

SEVENTY-SECOND DAY

(Wednesday, May 22, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	Wood

Absent—Excused

Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was approved.

Leave of Absence

Senator Weinert was granted leave of absence for today on account of illness on motion of Senator Lane.

Senate Resolution 581

Senator Willis offered the following resolution:

Whereas, The State of Texas has authorized the construction of a Toll Road between Fort Worth and Dallas which will be completed during 1957; and

Whereas, This Toll Road will be a free road when enough tolls have been collected to pay for its cost of approximately \$58,000,000.00; and

Whereas, The Bureau of Public Roads of the Federal Government has indicated that it will include the Fort Worth-Dallas Toll Road in the National System of Interstate and Defense Highways as the most direct

route between Fort Worth and Dallas; and

Whereas, The costs of the National System of Interstate and Defense Highways will be borne almost entirely by the Federal Government except this Fort Worth-Dallas Toll Road which will be paid for by a user's tax or tolls; and

Whereas, It is absolutely unfair that the Federal Government take this 32-mile Texas Toll Road as a part of the Federal System without paying for same which amounts to double taxation for Texans who are already over-burdened with Federal taxes; and

Whereas, A study is now being made by the Bureau of Public Roads in cooperation with the State Highway Departments as to whether or not reimbursements should be made to the States for Toll Roads included in the National System of Interstate and Defense Highways and said report will be submitted not later than January 12, 1958; now, therefore, be it

Resolved By the Senate of the State of Texas that the Senate urge each member of Congress from Texas to do everything within their power to see that in the event the Federal Government does take over the Fort Worth-Dallas Toll Road that the cost for same immediately be paid by the Federal Government so that Texans will be relieved of being doubly taxed; and be it further

Resolved, That a copy of this Resolution be sent to the Federal Highway Administrator of the U. S. Bureau of Public Roads, Washington, D. C., and that a copy of this Resolution also be sent to each member of Congress from Texas.

The resolution was read.

Senator Willis asked unanimous consent to consider the resolution immediately.

There was objection.

Senator Willis then moved to consider the resolution immediately.

The motion was lost by the following vote:

Yeas—9

Bradshaw	Hudson
Gonzalez	Parkhouse
Herring	Ratliff

Roberts
Secrest

Willis

Nays—18

Aikin
Ashley
Bracewell
Colson
Fly
Fuller
Hardeman
Kazen
Krueger

Lane
Martin
Moffett
Moore
Phillips
Reagan
Rogers
Smith
Wood

Absent

Hazlewood
Lock

Owen

Absent—Excused

Weinert

The resolution was then referred to the Committee on Jurisprudence.

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 22, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a conference committee on S. B. No. 165.

House has appointed the following Conference Committee on S. B. No. 165: Spilman, Strickland, Hale, McDonald, Conley.

S. B. No. 484, A bill to be entitled "An Act amending Chapter 10 of Title 83, Revised Civil Statutes of Texas, so as to authorize the State Industrial Commission to conduct a program for attracting and locating new industries in the State, to be financed through contributions other than State funds; and declaring an emergency."

H. B. No. 136, A bill to be entitled "An Act transferring a portion of the current appropriation for office expense of the Firemen's Pension Commission to its appropriation for travel expense; and declaring an emergency."

H. B. No. 223, A bill to be entitled "An Act amending Section 20 of Senate Bill 215, Acts of the 53rd Legislature, Regular Session, 1953, Chapter 106, page 385, codified in Vernon's as Article 5577a, Vernon's Civil Statutes, relating to public grain warehouses and dealing with the storage in bulk of non-perishable grains and field seeds, so as to change the penalties provided for violations of its provisions; and declaring an emergency."

H. B. No. 526, A bill to be entitled "An Act to amend Section 1 of Chapter 51 of the General and Special Laws of the Fiftieth Legislature of Texas, Regular Session, 1947, so as to provide an open season for hunting, taking and killing quail in Rains County, Texas, and to fix the days on which such hunting is permitted, repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 583, A bill to be entitled "An Act amending House Bill No. 642, of the 51st Legislature, Regular Session (1949), Chapter 602, page 1189, so as to make such Act applicable to all state institutions of higher education; authorizing the investment or placing on time deposits not more than 85% of the students' 'General Property Deposits'; establishing a student deposit fund consisting of the income from the investment or time deposit of the 'General Property deposits' and forfeited 'General Property Deposits'; providing for the use of the student deposit fund for scholarship purposes or support of student union programs; providing for the administration by the governing boards of the student deposit fund and providing limitations and conditions for such use; excepting the Main University of The University of Texas, A. & M. College of College Station, and Texas Technological College at Lubbock from the use of the student deposit fund for a student union program; and declaring an emergency."

H. B. No. 628, A bill to be entitled "An Act to amend Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (codified as Article 6228a of Vernon's Texas Civil Statutes), to include as Employees of the State eligible for membership in the Employees Retirement System of Texas, subject to all provisions and benefits applicable to members

of the Employees Retirement System of Texas now or which may be hereafter provided by law, certain civilian employees of the Texas National Guard and the Texas Air National Guard; authorizing and instructing the State Board of Trustees to fully effect this Act; providing severability clause; and declaring an emergency."

H. B. No. 799, A bill to be entitled "An Act establishing the Lamar County Juvenile Board; prescribing its membership and powers and providing for compensation of its members; repealing conflicting laws; providing for severability; and declaring an emergency."

H. B. No. 809, A bill to be entitled "An Act providing for the compensation of the District Attorney of the 30th Judicial District; providing method of compensation; providing for the compensation of Assistant District Attorneys and Investigators in the office of the District Attorney for the 30th Judicial District; providing method of compensation; providing for the appointment, compensation and method of compensation of stenographers in the office of the District Attorney of the 30th Judicial District; describing their compensation; making other provisions relating to the Office of the District Attorney of the 30th Judicial District; providing a severability clause; providing a repealing clause; and declaring an emergency."

H. B. No. 944, A bill to be entitled "An Act relating to the Court of Domestic Relations of Smith County, Texas, amending Acts of the 55th Legislature, Regular Session, 1957, Chapter 16, Section 2 and Section 9; and declaring an emergency."

H. B. No. 945, A bill to be entitled "An Act conferring upon the Game and Fish Commission regulatory authority over wildlife resources in Robertson County; amending Section 1 of Chapter 125, Acts of the Fifty-second Legislature, 1951, as amended, so as to make this Act applicable to Robertson County, and further amending the said Chapter 125 and Section 1 thereof by transferring certain portions of Section 1 into a new section designated as Section 1a; repealing certain laws and fixing the effective date of the repeal; providing for severability; and declaring an emergency."

H. B. No. 947, A bill to be entitled "An Act ratifying, confirming, and validating the creation, establishment and boundaries of Harris County Fresh Water Supply District No. 31 of Harris County, Texas, and the organization, confirmation election and election of supervisors, bond election, ordinances and resolution authorizing the issuance of bonds for the District and all proceedings relating thereto; and declaring an emergency."

S. B. No. 458, A bill to be entitled "An Act authorizing the Commissioners' Court of all counties in the State of Texas having a population of five hundred thousand (500,000) inhabitants, or more, according to the last preceding or any future Federal census, to issue negotiable bonds of such county, and to levy and collect taxes in payment thereof, for the purpose of paying the cost of making any surveys and acquiring any maps and plats, which such Commissioners' Court is authorized to cause to be made and to acquire under the provisions of Article 7344 of the 1925 Revised Civil Statutes of Texas; etc., and declaring an emergency."

S. B. No. 467, A bill to be entitled "An Act authorizing eligible cities as defined herein to issue refunding bonds; providing method of paying and securing such bonds; enacting other provisions relating to the subject and other provisions relating to the issuance and payment of such bonds; making this Act cumulative of other laws, providing that it shall take precedence over other laws, general or special, in conflict or inconsistent herewith; and declaring an emergency."

S. B. No. 470, A bill to be entitled "An Act authorizing the Board of Directors of Texas Technological College to rent, lease or convey not to exceed four acres, a part of the campus and a building thereon of said College to the City of Lubbock for the purpose of maintaining a history and art museum; authorizing said Board to dedicate streets leading to said parcel of land for public use; and making other provisions relating thereto; and declaring an emergency."

S. B. No. 471, A bill to be entitled "An Act providing for the coordination of a traffic safety program, authorizing the establishment of a

Traffic Safety Council for the promotion of greater safety on the public streets and highways, prescribing its powers and duties, authorizing the employment of certain personnel, the acceptance of donations and expenditure of funds, providing for the cooperation of the various Departments of the State Government, providing a saving clause, and declaring an emergency."

S. B. No. 475, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59, of the Constitution comprising the territory contained within the City of Keller, to be known as the 'North Tarrant County Municipal Water District,' etc., and declaring an emergency."

(With amendments.)

S. B. No. 477, A bill to be entitled "An Act providing for the transfer of title to certain lands from the State of Texas for the use and benefit of the Agricultural and Mechanical College of Texas to the Texas State Parks Board, aggregating 118 acres of land, more or less, including buildings, structures, improvements and appurtenances, and being the area surrounding and adjoining the Mission San Francisco de los Tejas and known as Mission State Forest near the town of Weches in Houston County, Texas; etc., and declaring an emergency."

H. B. No. 386, A bill to be entitled "An Act amending Article 1111 of the Revised Civil Statutes of Texas for 1925, as amended; amending Section 1 of House Bill 445, Acts 1949, Fifty-first Legislature, Regular Session, Chapter 250, page 465 as amended by Section 1 of House Bill 40, Acts 1951, Fifty-second Legislature, Regular Session, Chapter 23, page 30 (codified as Section 1, Article 1111b, Vernon's Annotated Civil Statutes); amending Article 113, Revised Civil Statutes of Texas for 1925; as amended; amending Article 115, Revised Civil Statutes of Texas for 1925; amending Section 1 of House Bill 981, Acts 1931, Forty-second Legislature, Regular Session, Chapter 314, page 783 (codified as Section 1 of Article 1118a, Vernon's Annotated Civil Statutes); providing a severability clause; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 190, A bill to be entitled "An Act designating the State Board of Control as agent to sell and dispose of all state owned surplus and salvage personal property; authorizing the State Board of Control to utilize the best methods for sale and disposal of state owned surplus and salvage personal property; permitting inter-agency of transfer of surplus property under certain circumstances; authorizing the Board of Control to delegate to other state agencies the right to sell or dispose of surplus or salvage personal property under certain circumstances; providing a means of removal from the state inventory of surplus or salvage personal property; saving certain rights and obligations; repealing certain statutes and laws, and declaring an emergency."

S. B. No. 198, A bill to be entitled "An Act providing that whenever any land is annexed or added to any Water Improvement District, Water Control and Preservation District, Water Control and Improvement District, Fresh Water Supply District, Levee Improvement District, Drainage District and any other district organized or operating under the provision of Title 128 of the Revised Civil Statutes of Texas, 1925, and whenever the boundaries of such district are extended, the land to be annexed or added to the district may be described by metes and bounds or by lot and block number, if there is a recorded map or plat and survey of such land; providing a repealing clause, a severability clause and declaring an emergency."

S. B. No. 199, A bill to be entitled "An Act amending Section 43 of Chapter 25, Acts of the Thirty-ninth Legislature, 1925, to increase directors' fees and to provide a limit thereon; and declaring an emergency."

S. B. No. 234, A bill to be entitled "An Act to provide for the proof of business and official records by the use of photographic copies, and declaring an emergency."

S. B. No. 279, A bill to be entitled "An Act amending Article 2906 of the Revised Civil Statutes of Texas, 1925, relating to school terms and attendance to provide that trustees of school districts of 10,000 scholastics or more may provide for late afternoon

and evening school programs; making provisions in regard thereto; and declaring an emergency."

S. B. No. 307, A bill to be entitled "An Act amending Chapter 88, Page 172, of the Acts of the 41st Legislature, Second Called Session, 1929, as amended, to provide for registration of automobiles manufactured prior to 1921; providing for method of application for such registration; fixing amount of fee for such registration; providing for license plates; defining an offense and prescribing a penalty; and declaring an emergency."

S. B. No. 345, A bill to be entitled "An Act amending Sec. 1 of House Bill 44, Acts of the 49th Leg., 1945, Chap. 220, p. 304, providing for the employment and salary of stenographers or clerks for county judges in certain counties; repealing all laws in conflict; and declaring an emergency."

S. B. No. 380, A bill to be entitled "An Act making an emergency appropriation for the payment of salaries of the citizen board members of the Veterans' Land Board; providing the method of payment and the effective date of the salaries; and declaring an emergency."

S. B. No. 381, A bill to be entitled "An Act to amend Section 23 of Chapter 25, Acts of the 39th Leg., 1925 (codified by Vernon as Article 7880-23, V.C.S.), by providing that all qualified voters shall have the right to vote in elections to confirm the organization of water control and improvement districts, validating organizational proceedings of water control and improvement districts and political subdivisions where the law required the holding of a confirmation election in accordance with the provisions of the general law governing water control and improvement districts, validating other proceedings pertaining to the issuance of bonds, validating bonds heretofore approved by the Attorney General of Texas; and declaring an emergency."

(With amendment.)

S. B. No. 394, A bill to be entitled "An Act permitting the Assessor-Collector of Taxes of each County, and the Sheriff, who also performs the duties of Assessor-Collector of taxes in certain counties, to attend

one professional conference or legal institute each year, and such other conferences or institutes as may be called by the State Comptroller of Public Accounts; etc.; and declaring an emergency."

H. B. No. 948, A bill to be entitled "An Act validating Harris County Fresh Water Supply District No. 1-A of Harris County, Texas, and declaring it to be a validly existing Fresh Water Supply District, a Conservation and Reclamation District under Section 59 of Article XVI of the Texas Constitution; validating all proceedings of the Board of Supervisors of Harris County Fresh Water Supply District No. 1 pertaining to the Creation of the District, the election held for that purpose, the area and boundary lines of the District; validating all governmental proceedings and acts of the Board of Supervisors and all officers of the District; validating the authorization of \$390,000 of bonds at an election held December 8, 1956; validating the issuance and sale of \$250,000 of bonds of said authorization; providing that said bonds shall be incontestable; providing that when the balance of said bond authorization is issued, such bonds shall be incontestable; finding that all land and property in the District will be benefited thereby, declaring that the District is essential to the purposes of Section 59 of Article XVI of the Texas Constitution; declaring the District a governmental agency, a body politic and corporate of this State; providing severability clause; and declaring an emergency."

H. B. No. 949, A bill to be entitled "An Act validating Harris County Fresh Water Supply District No. 1-B of Harris County, Texas, and declaring it to be a validly existing Fresh Water Supply District, a Conservation and Reclamation District under Section 59 of Article XVI of the Texas Constitution; validating all proceedings of the Board of Supervisors of Harris County Fresh Water Supply District No. 1 pertaining to the creation of the District, the election held for that purpose, the area and boundary lines of the District; validating all governmental proceedings and acts of the Board of Supervisors and all officers of the District; validating the authorization, issuance and sale of \$77,000 'Harris County Fresh Water

Supply District No. 1-B Water and Sewer Unlimited Tax and Revenue Bonds, Series 1957"; providing that said bonds shall be uncontestable; finding all land and property in the District will benefit thereby, declaring that the District is essential to the purposes of Section 59 of Article XVI of the Texas Constitution; declaring the District a governmental agency, a body politic and corporate of this State; providing severability clause; and declaring an emergency."

H. B. No. 954, A bill to be entitled "An Act for the relief of the Independent School District of Lampasas in Lampasas County, the City of Lampasas, and the County of Lampasas, Texas, in order to aid said governmental subdivisions and municipalities in the reconstruction of public property destroyed in the recent flood in that community on the 12th day of May, 1957; granting and appropriating to said School District the sum of Seven Thousand Five Hundred (\$7,500) Dollars for school building repairs and for equipment replacement; granting and appropriating to said City of Lampasas the sum of Fourteen Thousand (\$14,000) Dollars for rebuilding and rehabilitating its sewer, streets, and electric distribution systems; granting and appropriating to said County of Lampasas the sum of Eighteen Thousand Five Hundred (\$18,500) Dollars for repairing, rebuilding, rehabilitating and replacing its court house, offices, buildings, roads and equipment; prescribing manner in which the funds hereby granted and appropriated shall be paid; and declaring an emergency."

H. B. No. 955, A bill to be entitled "An Act granting and appropriating \$10,000.00 to the City of Silvertown, Texas, to be used for rehabilitating, repairing and rebuilding the City's street and public utility systems, which were damaged in a recent tornado; and declaring an emergency."

H. B. No. 956, A bill to be entitled "An Act appropriating the sum of \$50,000.00 to the Teacher Retirement System of Texas to be used by the System to pay the costs of acquiring and servicing Federal Housing Administration mortgages; designating the fund from which said appropriation is made; and declaring an emergency."

S. B. No. 123, A bill to be entitled "An Act to amend Article 5.26 of the Texas Insurance Code; providing for maximum rate of premium to be promulgated by the Board of Insurance Commissioners as to certain kinds of insurance; providing for use on specific risks of rates in excess of maximum rates of the Board, on written application of the insured stating reasons therefor, filed with and approved by the Board; providing for the filing of an application for deviation for a lesser rate than maximum rates and a hearing thereon; providing standards to be applied by the Board in passing upon applications for deviations from maximum rates; repealing laws in conflict; and declaring an emergency."

H. B. No. 957, A bill to be entitled "An Act amending Section 1 of Chapter 343, Acts of the Fifty-fourth Legislature (Article 2922L(8), Vernon's Texas Civil Statutes), relating to the collection of taxes in certain rural high school districts, by increasing the compensation which the tax collector may be allowed for his services; etc., and declaring an emergency."

S. B. No. 50, A bill to be entitled "An Act amending Article 1583-2 of the Penal Code of Texas, as amended, relating to minimum wages of firemen and policemen in cities of ten thousand or more inhabitants, by increasing longevity pay from \$2.00 per month to \$4.00 per month; and declaring an emergency."

(With amendment.)

S. B. No. 150, A bill to be entitled "An Act requiring preference to be given Texas citizens and firms, corporations, associations or businesses organized in Texas in contracts made by agencies of the State for purchases of supplies, material, merchandise or equipment; providing the provisions of this Act shall be cumulative; providing a severability clause and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bills on First Reading

The following bills received from the House were read first time and referred to the committee indicated:

H. B. No. 386, To the Committee on Counties, Cities and Towns.

H. B. No. 809, To the Committee on Counties, Cities and Towns.

H. B. No. 799, To the Committee on Counties, Cities and Towns.

H. B. No. 957, To the Committee on Counties, Cities and Towns.

Report of Standing Committee

Senator Owen submitted the following report:

Austin, Texas,
May 22, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 386, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

House Bill 386 Ordered Not Printed

On motion of Senator Bracewell and by unanimous consent H. B. No. 386 was ordered not printed.

Senate Resolution 582

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the 3rd Grade Class of Zilker Elementary School in Austin, Travis County Texas, accompanied by their teacher, Mrs. Norma Franzen; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to the class in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and teacher to the Members of the Senate.

House Concurrent Resolution 91 on Second Reading

On motion of Senator Lane and by unanimous consent, the President pro tempore laid before the Senate on its second reading the following resolution:

H. C. R. No. 91, Granting permission to C. W. Shores to sue the State of Texas and the Texas Highway Department.

The resolution was read and was adopted.

House Concurrent Resolution 71 on Second Reading

On motion of Senator Lock and by unanimous consent H. C. R. No. 71 was called from the Table and laid before the Senate on its second reading with an amendment by Senator Ashley pending (the resolution having been read the second time on Monday, May 20, 1957).

Question—Shall the amendment by Senator Ashley be adopted?

Senator Lock offered the following substitute for the amendment by Senator Ashley:

Amend H. C. R. No. 71 by striking out all below the resolving clause and substituting in lieu thereof the following:

4 Office Buildings, 7 Laboratory Buildings, 6 Greenhouses, 4 Farm Shop Buildings, 8 Storage Buildings, 4 Barns, 2 Sewerage disposal Systems; 3 laborers residences, 6 irrigation systems, 4 seed processing Buildings, 4 water supply systems, 4 cattle sheds, 1 Autopsy Building, Texas Agricultural Experiment Station System; Headquarters and laboratory building Agricultural Extension Service; Research laboratory, Wind tunnel Equipment, Aeronautical Research Building and Equipment, wave tank. Engineering Experiment Station; Headquarters and Office Building Engineering Extension Service, Auxiliary Building, Headquarters Office Buildings 4, Fire Lookout towers 4, Foresters Residence, Radio Masts 5, Texas Forest Service.

The total amount expended for the buildings, equipment and other permanent improvements listed above shall not exceed \$3,500,000.

The substitute for the amendment was adopted.

The amendment as substituted was then adopted.

The resolution as amended was then adopted.

Report of Standing Committee

Senator Owen by unanimous consent submitted the following report:

Austin, Texas,
May 22, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 957, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

OWEN, Chairman.

House Bill 957 Ordered Not Printed

On motion of Senator Phillips and by unanimous consent H. B. No. 957 was ordered not printed.

Report of Standing Committee

Senator Owen by unanimous consent submitted the following report:

Austin, Texas,
May 22, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 799, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

House Bill 799 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent H. B. No. 799 was ordered not printed.

Report of Standing Committee

Senator Owen by unanimous consent submitted the following report:

Austin, Texas.

May 22, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 809, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

House Bill 809 Ordered Not Printed

On motion of Senator Moffett and by unanimous consent H. B. No. 809 was ordered not printed.

House Bill 255 on Second Reading

On motion of Senator Wood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 255, A bill to be entitled "An Act amending Article 4 of Chapter VII of the Texas Banking Code of 1943, Acts of the 48th Legislature, Regular Session, 1943, relating to collections, payment, refusal, and dishonor of items presented to a drawee bank; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 255 on Third Reading

Senator Wood moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 255 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kazen
Ashley	Krueger
Bracewell	Lock
Bradshaw	Martin
Colson	Moffett
Fly	Moore
Fuller	Owen
Gonzalez	Parkhouse
Hardeman	Phillips
Hazlewood	Ratliff
Herring	Reagan

Roberts	Smith
Rogers	Willis
Secrest	Wood

Absent

Hudson	Lane
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Absent—Excused

Weinert

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Kazen	Smith
Krueger	Willis
Lock	Wood

Absent

Hudson	Lane
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Absent—Excused

Weinert

(President in the Chair.)

Senate Bill 407 with House Amendments

Senator Krueger called S. B. No. 407 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Krueger moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President Pro

Tempore announced the appointment of the following conferees on the part of the Senate on the bill:

Senators Krueger, Bracewell, Parkhouse, Lock, and Hazlewood.

Bills and Resolution Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolution:

H. B. No. 764, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office to enter into an agreement or agreements with the appropriate agency of the Federal Government to contract for a survey of the Texas Gulf Coast line for the purpose of determining the low water contour along said Gulf Coast line; etc.; and declaring an emergency."

H. B. No. 301, A bill to be entitled "An Act amending Title 69, Chapter 1 of the Revised Civil Statutes of Texas, 1925, as amended by Acts 1937, by the 45th Legislature, by a new section thereto to be known as Article 4112b, to provide that the Judge of District Court may order the Clerk of said court to pay any fund of \$1000.00 or less on deposit in the Registry of said Court, belonging to any lunatic, idiot or person of unsound mind without a legal guardian, who is an inmate of any State Eleemosynary Institution to said institution for the use and benefit of said inmate, and declaring an emergency."

H. B. No. 268, A bill to be entitled "An Act relating to exemptions of corporations from the franchise tax; amending Article 7094 of the Revised Civil Statutes of Texas, 1925, as amended, so as to exempt from the franchise tax corporations organized for the purpose of educating the public in the conservation of fish, game, and other forms of wildlife and forests; providing for severability; repealing conflicting laws; and declaring an emergency."

H. B. No. 438, A bill to be entitled "An Act reorganizing the 64th Judicial District to be composed of the Counties of Hale and Swisher; creating the 154th Judicial District to be composed of the Counties of Lamb, Bailey, Parmer and Castro; etc.; and declaring an emergency."

H. B. No. 812, A bill to be entitled "An Act amending Subsection (a) of Section 1, Article XVII, Chapter 184, Acts of the Regular Session of the Forty-seventh Legislature, as amended to redefine the term 'motor fuel'; etc., and declaring an emergency."

H. B. No. 103, A bill to be entitled "An Act providing for the allocation of one per cent (1%) of the total Permanent School Fund to the Available School Fund in compliance with Article 7, Section 5 of the Texas Constitution; and declaring an emergency."

H. B. No. 311, A bill to be entitled "An Act creating an additional district court for Galveston County to be known as the District Court of the 122nd Judicial District; etc.; and declaring an emergency."

H. B. No. 169, A bill to be entitled "An Act establishing and providing for a State mental hospital; regulating and providing for the operation of same; and declaring an emergency."

H. B. No. 154, A bill to be entitled "An Act amending Section 76 of Chapter 25, Acts of the 39th Legislature, Regular Session, 1925, as amended (codified in Vernon's Civil Statutes as Article 7880-76), so as to provide for an appeal to the proper District Court of any decision made by the board of directors of a water control and improvement district etc., and declaring an emergency."

H. J. R. No. 48, Proposing an amendment to the Constitution of the State of Texas providing that a home rule city may provide by Charter Provision and a general law city operating under the general laws may provide by majority vote of the qualified voters voting at an election called for that purpose, for a longer term of office than two (2) years, etc.

House Bill on First Reading

The following bill received from the House was read first time and referred to the committee indicated:

H. B. No. 583, To the Committee on Education.

Report of Standing Committee

Senator Willis by unanimous consent submitted the following report:

Austin, Texas,
May 17, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 583, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

WILLIS, Chairman.

Conference Committee Report on Senate Bill 24

Senator Willis submitted the following Conference Committee Report on S. B. No. 24:

Committee Room,
Austin, Texas,
May 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on S. B. 24, have had the same under consideration and we are instructed to report it back to the House and the Senate with the recommendation that it be adopted in the form attached hereto.

Respectfully submitted,

WILLIS
LANE
BRACEWELL
PARKHOUSE

On the Part of the Senate.

HALE
SANDERS
YEZAK
JONES

On the part of the House.

S. B. No. 24:

A BILL TO BE ENTITLED

"An Act concerning the management, control, and disposition by a married woman of her separate property, both real and personal, including her right to contract and be contracted with and to sue and be sued; amending Articles 4614, 4616, 4623, and 4617, Revised Civil Statutes of Texas, 1925, as amended; providing a savings clause; repealing or modifying all other laws or parts of laws to the

extent only that they conflict with the provisions of this Act; setting an effective date; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 4614, Revised Civil Statutes of Texas, 1925, as amended by Acts of 1929, 41st Legislature, page 66, Chapter 32, Section 1, is hereby amended so as hereafter to read as follows:

"Article 4614. Wife's Separate Property. (a) All property of the wife, both real and personal, owned or claimed by her before marriage, and that acquired afterward, by gift, devise, or descent, as also the increase of all lands thus acquired, is the separate property of the wife.

"(b) The wife shall, if she be 21 years of age or over and so elects as provided in subsection (d), have the sole management, control, and disposition of her separate property, both real and personal; and in connection therewith, she may, in her own name, contract and be contracted with, sue and be sued without the joinder of her husband, and her coverture shall not be a defense in any suit or action based on such contracts. Such of her separate property as is not exempt under the laws of Texas in such case shall be subject to forced sale for the payment of her debts. The community property of the husband and wife, with the exception of the wife's personal earnings and the revenue from her separate property, shall never be subject to the payment of debts contracted by the wife except for those contracted for necessities furnished herself and children.

"(c) If the wife shall not elect to have sole management, control, and disposition of her separate property, the joinder of the husband shall be necessary to the encumbrance or conveyance by the wife of her lands, and the joint signature of the husband and wife shall be necessary to a transfer of stocks and bonds belonging to her or of which she may be given control by this law.

"(d) A married woman 21 years of age, or over, may file with the County Clerk of the county of which she is a resident, a duly acknowledged statement that she thereby elects to have sole management, control and disposition of her separate property. From

and after the date of filing of such statement, which shall be recorded by the County Clerk in the Deed Records of said county, such married woman shall have the full authority to deal with her separate property as set forth in subsection (b) and the limitation upon such authority contained in subsection (c) shall not thereafter apply."

Sec. 2. Article 4616, Revised Civil Statutes of Texas, 1925, is amended so as to read as follows:

"Article 4616. Wife's Separate Property Protected. Neither the separate property of the wife, her personal earnings, nor the revenue from her separate property shall be subject to the payment of debts contracted by the husband nor claims arising out of the torts of the husband."

Sec. 3. Article 4623, Revised Civil Statutes of Texas, 1925, is amended so as to read as follows:

"Article 4623. Subject to Debts of Wife. Neither the separate property of the husband nor the community property other than the personal earnings of the wife and the revenue from her separate property shall be subject to the payment of debts contracted by the wife except those contracted for necessities furnished her or her children."

Sec. 4. Article 4617, Revised Civil Statutes of Texas, 1925, as amended by Acts of 1937, 45th Legislature, page 1343, Chapter 499, Section 1, is amended so as to read as follows:

"Article 4617. When Husband or Wife May Convey Homestead Which Is Separate Property. A husband or wife who owns the homestead as separate property and who is abandoned by his or her spouse, or whose spouse becomes insane, may encumber or convey such property by applying to the district court of the county of his or her residence. The court, in term time or vacation, upon satisfactory proof that such encumbrance or conveyance would be advantageous to the interest of the husband or wife applying, shall make an order granting permission to make such encumbrance or conveyance of the homestead without the joinder of the other spouse, and the married person who owns the homestead as separate property may then encumber or convey such property without such joinder.

"In the event the applicant is a nonresident of the state, he or she

may apply to the district court of the county where the property, or a portion thereof, is situated, and the court shall hear and determine such application and grant relief the same as if the applicant were a resident of this state."

Sec. 5. Savings Clause. This Act shall apply to conveyances, contracts, and transfers made and, as to the requirement of joinder, to suits filed after the effective date of this Act. The repeal or amendment of any statute by this Act shall not affect or impair any conveyance, contract, or transfer completed under such statute prior to the effective date of this Act; and such statute shall be treated as still remaining in force for the purpose of sustaining any action for the enforcement of any right or obligation or of sustaining a defense to any action arising from any such conveyance, contract, or transfer.

Sec. 6. Repealing Clause. All laws or parts of laws in conflict with this Act are repealed or modified to the extent of such conflict only.

Sec. 7. Effective Date. This Act takes effect January 1, 1958.

Sec. 8. Emergency Clause. The fact that the present law concerning the management, control, and disposition of her separate property by a married woman is unjust to a large number of citizens of this state creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said Rule is hereby suspended.

The report was read and was adopted.

House Joint Resolution 36 on Second Reading

On motion of Senator Martin and by unanimous consent H. J. R. No. 36 was Called from the Table and laid before the Senate on its second reading. (The resolution having been read the second time on Thursday, May 16, 1957.)

Question—Shall H. J. R. No. 36 be passed to third reading?

Senator Martin offered the following amendment to the resolution:

Amend H. J. R. 36, by striking the first sentence in Section 2, and substituting in lieu thereof the following:

The foregoing Constitutional Amendment shall be submitted to a vote of the qualified voters of this State at an election to be held on the first Tuesday after the first Monday in November, 1958, at which election all ballots shall have printed thereon the following:

The amendment was adopted.

On motion of Senator Martin and by unanimous consent the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to third reading.

House Joint Resolution 36 on Third Reading

Senator Martin moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that H. J. R. No. 36 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	Wood

Absent

Fly Parkhouse

Absent—Excused

Weinert

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was adopted by the following vote:

Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	Wood

Absent—Excused

Weinert

Senate Resolution 583

Senator Aikin offered the following resolution:

Whereas, Hon. Robert West of Honey Grove is a visitor at the Capitol today; and

Whereas, Mr. West is an outstanding citizens of Northeast Texas; and

Whereas, The Senate is delighted to have him as our guest; now, therefore, be it

Resolved, By the Senate, that Mr. West be given a hearty welcome and the privileges of the floor for today.

AIKIN
ROBERTS

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented Mr. West to the Members of the Senate.

Report of Standing Committee

Senator Fly by unanimous consent submitted the following report:

Austin, Texas,
May 23, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 403, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FLY, Chairman.

House Bill 403 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent H. B. No. 403 was ordered not printed.

House Bill 730 on Second Reading

On motion of Senator Smith and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 730, A bill to be entitled "An Act authorizing the Governor to transfer certain funds and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 730 on Third Reading

Senator Smith moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 730 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	Wood

Absent—Excused

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Bradshaw
Ashley	Colson
Bracewell	Fly

Fuller	Moore
Gonzalez	Owen
Hardeman	Parkhouse
Hazlewood	Phillips
Herring	Ratliff
Hudson	Reagan
Kazen	Roberts
Krueger	Rogers
Lane	Secrest
Lock	Smith
Martin	Willis
Moffett	Wood

Absent—Excused

Weinert

(Senator Fly in the Chair.)

House Bill 919 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 919, A bill to be entitled "An Act amending Article 5845, Revised Civil Statutes of Texas, as amended by Acts of 1949, 51st Legislature, page 1172, Chapter 586, providing for hospitalization and medical and surgical care for members of the military forces of this State who shall be wounded, disabled, or injured, or who shall contract disease or illness in line of duty while in the service of this State, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 919 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 919 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hardeman
Ashley	Hazlewood
Bracewell	Herring
Bradshaw	Hudson
Colson	Kazen
Fly	Krueger
Fuller	Lane
Gonzalez	Lock

Martin	Reagan
Moffett	Roberts
Moore	Rogers
Owen	Secrest
Parkhouse	Smith
Phillips	Willis
Ratliff	Wood

Absent—Excused

Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 386 on Second Reading

Senator Bracewell moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 386 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	Wood

Absent—Excused

Weinert

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 386, A bill to be entitled "An Act amending Article IIII of the Revised Civil Statutes of Texas for 1925, as amended; relating to cities owning transportation systems, etc., and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 386 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the Presiding Officer laid H. B. No. 386 before the Senate on its third reading and final passage.

The bill was read the third time and was passed.

Senate Bill 131 with House Amendments

Senator Martin called S. B. No. 131 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Martin moved that the Senate concur in the House amendments.

The motion prevailed.

House Bill 583 Ordered Not Printed

On motion of Senator Reagan and by unanimous consent H. B. No. 583 was ordered not printed.

Report of Standing Committee

Senator Owen by unanimous consent submitted the following report:

Austin, Texas,
May 22, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 485, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

House Bill 756 on Second Reading

On motion of Senator Ashley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 756, A bill to be entitled "An Act amending Chapter 78, House Bill No. 64, Acts Fifty-First Legislature, Regular Session, 1949, (codi-

fied as Article 2615d, Vernon's Civil Statutes), increasing the amount of funds that the Board of Directors of the Agricultural and Mechanical College of Texas is authorized to expend from available plant funds for buildings and improvements at the adjunct of the College in Kimble County without specific authorization of the Legislature; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 756 on Third Reading

Senator Ashley moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 756 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Willis
Kazen	Wood
Krueger	

Absent

Lock	Smith
Parkhouse	

Absent—Excused

Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Fuller
Ashley	Gonzalez
Bracewell	Hardeman
Bradshaw	Hazlewood
Colson	Herring
Fly	Hudson

Kazen	Ratliff
Krueger	Reagan
Lane	Roberts
Martin	Rogers
Moffett	Secrest
Moore	Smith
Owen	Willis
Parkhouse	Wood
Phillips	

Absent

Lock

Absent—Excused

Weinert

(Senator Aikin in the Chair.)

Conference Committee Report on House Bill 18

Senator Owen submitted the following Conference Committee Report on H. B. No. 18:

Austin, Texas,
May 22, 1957.

Hon. Ben Ramsey, President of the Senate.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 18, have met and had same under consideration. and beg to report it back with the recommendation that it do pass in the form attached.

HARDEMAN
OWEN
MARTIN
LANE

On the part of the Senate.

ANDERSON
BARTRAM
SANDERS

On the part of the House.

H. B. No. 18:

A BILL TO BE ENTITLED

An Act to more adequately provide for the effective regulation of traffic on highways for the purpose of improving traffic safety and the facilitation of vehicular traffic upon the roads of this State; to amend Section 8 of Senate Bill No. 11, as amended, Chapter 42, Acts of the Forty-first Legislature, Second Called Session, 1929, as amended by Section 9 of House Bill No. 336, Chapter 282, Acts of the Forty-second Legislature, Reg-

ular Session, 1931, as amended by Section 1 of House Bill No. 1074, Chapter 506, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended by House Bill No. 458, Chapter 346, Acts of the Fifty-second Legislature, Regular Session, 1951, as amended by Senate Bill No. 226, Chapter 488, Acts of the Fifty-fourth Legislature, Regular Session, 1955, codified as Article 827a, Section 8, of Vernon's Penal Code of Texas, to provide fixed speed limits for vehicle classifications at certain locations and at different hours of the day and night and to provide that speed in excess of such limits, in such locations, by the prescribed classification of vehicle and at the prescribed hours shall be unlawful; to provide that any speed that is greater than is reasonable and prudent under the conditions then existing shall be unlawful although greater or less than the absolute speed limits prescribed; to define certain terms; to provide for the alteration of speed limits by the State Highway Commission upon any part of the designated or marked State Highway System as to such classification of vehicles and during such hours as may be determined at any location upon a designated or marked State Highway, both within and without the limits of any incorporated city, town or village, including Home Rule Cities; to provide that the State Highway Commission shall not have the authority to alter the reasonable and prudent rule prescribed herein; to provide that County Commissioners Court may, within their jurisdiction, exclusive of designated or marked State Highways, exercise the same authority as is granted to the State Highway Commission to alter speed limits, provided that no County Commissioners Court may authorize speeds in excess of the maximum limits prescribed in certain sections hereof, nor to modify or alter the reasonable and prudent rule prescribed herein; to provide that the Governing Body of any incorporated city or town with respect to streets under its jurisdiction, excluding designated or marked State Highways, shall have the same authority to alter speed limits within its jurisdiction as is herein granted to the State Highway Commission, provided that upon any part of any State Highway within the limits of any incorporated city, town or village the State Highway

Department's authority to alter speed limits thereon shall supersede any ordinance of any such Governing Body in conflict therewith, and to provide, further, that no such Governing Body may authorize speed limits in excess of the maximum limits prescribed in certain sections hereof, with certain exceptions; to provide that the Texas Turnpike Authority may alter speed limits on any part of any Turnpike Project constructed and maintained by it and that such authority shall be exclusive upon any part of any Turnpike Project both within and without the corporate limits of any incorporated city, town or village, including Home Rule Cities, and provided that Texas Turnpike Authority may not alter the reasonable and prudent rule provided herein; to establish the standards to be used in making engineering and traffic investigations by authorities authorized to alter speed limits; to prescribe provisions of any notice to appear for a violation of any speed regulation provided herein; prohibiting the admissibility of evidence in any prosecution for a violation of this Act obtained by lying in wait unobserved, hiding or in any manner concealing, in whole or in part, any equipment or the operator or operators thereof, or in violation of Section 1, Chapter 253, Acts of the Fifty-third Legislature, 1953 (codified as Article 727a, Vernon's Annotated Code of Criminal Procedure of Texas) in determining the rate of speed at which any motor vehicle is at the time traveling on or being operated over any public highway, road, street or alley in this State, and providing that all operators of equipment and officers whose primary duties are the enforcement of traffic laws shall use and operate in uniformly and plainly marked vehicles when in the performance of their official duties; and providing that the provisions of the foregoing paragraph are cumulative of Section 1, Chapter 218, Acts of the Fortieth Legislature, 1927, as amended by Section 1, Chapter 47, Acts of the Forty-first Legislature, 1929, Second Called Session, as amended by Section 1, Chapter 76, Acts of the Forty-first Legislature, 1930, Fifth Called Session (codified as Article 803a, Vernon's Annotated Penal Code of Texas); providing that any violation shall be punished as provided in said Article 803a of Vernon's Annotated Penal Code of Texas;

providing for notice to appear for violation of any speed regulation and the matters to be specified in such notice; providing that this Act shall not be construed as to affect the burden of proving negligence in civil actions; providing a severability clause; repealing any part of any law in conflict herewith and providing that no part of a prior Act in conflict with the provisions of this Act shall be revived; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 8 of Senate Bill No. 11, Chapter 42, Acts of the Forty-first Legislature, Second Called Session, 1929, as amended by Section 9 of House Bill No. 336, Chapter 282, Acts of the Forty-second Legislature, Regular Session, 1931, as amended by Section 1 of House Bill No. 1074, Chapter 506, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended by House Bill No. 458, Chapter 346, Acts of the Fifty-second Legislature, Regular Session, 1951, as amended by Senate Bill No. 226, Chapter 488, Acts of Fifty-fourth Legislature, Regular Session, 1955, codified as Article 827a, Section 8, of Vernon's Penal Code of Texas, is hereby re-enacted and amended so as to hereafter read as follows:

"Section 8. Rate and Speed of Vehicles.

"Subsection 1. Speed restrictions. It shall be unlawful for any person to operate or drive any motor or other vehicle upon the public highways of Texas at any speed in excess of the limits specified in this subsection or established as hereinafter authorized:

"(a) Thirty (30) miles per hour in any business or residence district for all vehicles.

"(b) Sixty-five (65) miles per hour during the daytime and fifty-five (55) miles per hour during the nighttime in locations other than business or residence districts for all vehicles except vehicles towing house-trailers. No person shall drive a vehicle which is towing a house-trailer at a speed greater than a maximum of forty-five (45) miles per hour.

"(c) Provided further that no person shall operate or drive any motor or other vehicle upon the public highways of this State at a speed that is greater than is reasonable and prudent under the conditions then exist-

ing, have regard to the actual and potential hazards when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions; and in every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

"'Daytime' as used in this Act shall mean from a half ($\frac{1}{2}$) hour before sunrise to a half ($\frac{1}{2}$) hour after sunset. 'Nighttime' means at any other hour.

"'Business District' means the territory contiguous to and including a roadway when within any six hundred (600) feet along such roadway there are buildings in use for business or industrial purposes which occupy three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the roadway.

"'Residence District' means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

"The speed limits set forth in this subsection may be altered as authorized in Subsections 2, 3 and 4.

"Subsection 2. Authority of State Highway Commission to alter speed limits. (a) Whenever the State Highway Commission shall determine upon the basis of an engineering and traffic investigation that any speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway, taking into consideration the width and condition of the pavement and other circumstances on such portion of said highway as well as the usual traffic thereon, said State Highway Commission may determine and declare a speed limit thereat or thereon by proper order of the Commission entered on its Minutes, which shall be effective as to such classifications of vehicles

as may be determined and at all times or during hours of daylight or darkness, or at such other times as may be determined when appropriate signs giving notice thereof are erected at such intersection or other place or part of the highway; provided however, that said State Highway Commission shall not have the authority to modify or alter the rule established in paragraph (c) of Subsection 1.

"(b) The authority of the State Highway Commission to alter speed limits shall exist with respect to any part of any highway, road or street officially designated or marked by the State Highway Commission as a part of the State Highway System both within and without the limits of an incorporated city, town or village, including Home Rule Cities.

"Subsection 3. Authority of County Commissioners' Courts and governing bodies of incorporated cities and towns to alter speed limits. (a) The County Commissioners' Court of any County with respect to county highways or roads outside the limits of right-of-way of any officially designated or marked highway, road, or street of the State Highway System and outside the limits of any incorporated city or town shall have the same authority by Order of the County Commissioners Court entered upon its records to alter speed limits upon the basis of an engineering and traffic investigation as that delegated to the State Highway Commission with respect to any officially designated or marked highway, road or street of the State Highway System; provided that under no circumstances shall any County Commissioners' Court have the authority to modify or alter the rule established in paragraph (c) of Subsection 1, nor to authorize speeds for any class of vehicle in excess of the maximum limits hereinbefore set forth for said class of vehicle in paragraph (b) of Subsection 1.

"(b) The Governing Body of any incorporated city or town with respect to any highway, street, or part of a highway or street, excluding those marked as a route of a highway of the State Highway System, within its corporate limits, shall have the same authority by City Ordinance to alter speed limits upon the basis of an engineering and traffic investigation as that delegated to the State Highway Commission with respect to any officially designated or marked

highway, road or street of the State Highway System; provided that under no circumstances shall any such Governing Body have the authority to modify or alter the rule established in paragraph (c) of Subsection 1, nor to authorize speeds for any class of vehicle in excess of the maximum limits hereinbefore set forth for said class of vehicle in paragraph (b) of Subsection 1, except upon controlled access highways under their jurisdiction; and provided further, that any order of the State Highway Commission declaring a speed limit upon any part of a designated or marked route of the State Highway System made pursuant to Subsection 2 hereinabove, shall supersede any City ordinance in conflict therewith.

"Subsection 4. Authority of Texas Turnpike Authority to alter speed limits on Turnpike Projects. Whenever the Texas Turnpike Authority shall determine upon the basis of an engineering and traffic investigation that any speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a turnpike constructed and maintained by it, taking into consideration the width and condition of the pavement and other circumstances on such portion of said turnpike as well as the usual traffic thereon, said Authority may determine and declare a speed limit thereat or thereon by proper order of the Authority entered on its Minutes, which shall be effective as to such classifications of vehicles as may be determined and at all times or during hours of daylight or darkness or at such other times as may be determined, when appropriate signs giving notice thereof are erected at such intersection or other place or part of any turnpike. The authority of the Texas Turnpike Authority to alter speed limits shall be effective upon any part of any turnpike project constructed and maintained by it pursuant to House Bill 4, Chapter 410, Acts of 1953, Fifty-third Legislature, Regular Session, codified as Article 6674v, Vernon's Revised Civil Statutes of Texas as same may be amended, both within and without the corporate limits of any incorporated city, town or village, including Home Rule Cities. Such authority shall be exclusive with respect to any such project, and the authorities prescribed in Sub-

sections 2 and 3 hereinabove shall not apply upon any part of any such Turnpike Project; provided, however, that Texas Turnpike Authority shall not have the authority to alter the rule established in paragraph (c) of Subsection 1.

"Subsection 5. Standards for Engineering and Traffic Investigations. The State Highway Commission and other authorities herein authorized to alter speed limits on the basis of an engineering and traffic investigation may be guided in making such engineering and traffic investigation by the procedures in use by the State Highway Commission at the time of the passage of this Act which the Legislature hereby recognizes as being valid, and as they may be subsequently amended as the result of continuing studies.

"Subsection 6. No evidence shall be admissible in any prosecution for a violation of this Act which is or has been obtained by lying in wait unobserved, hiding or in any manner concealing, in whole or in part any equipment or the operator or operators thereof, or in violation of the Acts of 1953, Fifty-third Legislature, page 669, Chapter 253, Section 1 (codified as Article 727a, Vernon's Annotated Code of Criminal Procedure of Texas) in determining the rate of speed at which any motor vehicle is at the time traveling on or being operated over any public highway, street, road or alley in this State and, provided further that all operators of equipment and officers whose primary duties are the enforcement of the traffic laws shall use and operate in uniformly and plainly marked vehicles, when in performance of their official duties.

"The provisions of the foregoing paragraph are cumulative of Acts of 1927, Fortieth Legislature, page 321, Chapter 218, Section 1, as amended by Acts of 1929, Forty-first Legislature, Second Called Session, page 83, Chapter 47, Section 1, as amended by Acts of 1930, Forty-first Legislature, Fifth Called Session, page 239, Chapter 76, Section 1 (codified as Article 803a, Vernon's Annotated Penal Code of Texas), and any violation hereof shall be punished as provided in said Article 803a.

"Subsection 7. Notice to appear. Every notice to appear issued for a violation of any speed regulation provided for in this Act, shall specify the rate of speed at which the person so

charged is alleged to have driven, and also the speed limit applicable within the district or at the location shall be set out.

"Subsection 8. Rule in Civil Actions. The provisions of this Act declaring speed limits shall not be construed to relieve any party in any civil action from the burden he would otherwise have of proving that the negligence of any adverse party was the proximate cause of any event, or occurrence."

Section 2. If any portion of this Act, whether word, clause, phrase, sentence, paragraph or section, is held unconstitutional by a court of competent jurisdiction, the remaining provisions hereof shall nevertheless be valid the same as if the portion or portions held unconstitutional had not been adopted by the Legislature. The Legislature hereby declares that it would have passed this Act and each sentence, clause and part thereof despite the fact that any portion or portions of this Act be declared unconstitutional.

Section 3. Any part of any law in conflict with the provisions of this Act is hereby expressly repealed and it is not intended that any part of a prior Act in conflict with the provisions of this Act shall be revived.

Section 4. The fact that the present law is vague, uncertain and indefinite in violation of the Constitution and laws of this State and impairs the effective regulation of traffic on our highways, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—23

Aikin	Lane
Bradshaw	Lock
Colson	Moffett
Fuller	Moore
Gonzalez	Owen
Hazlewood	Parkhouse
Herring	Phillips
Hudson	Reagan
Kazen	Roberts
Krueger	Rogers

Secrest	Wood
Smith	

Nays—1

Willis

Present—Not Voting

Hardeman	Martin
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Absent

Ashley	Fly
Bracewell	Ratliff

Absent—Excused

Weinert

Reason for Vote

I voted "present" on the adoption of the conference committee report on H. B. No. 18 because there may be a conflict of interest on my part due to a case pending on appeal in the Court of Criminal Appeals in which I have appeared as attorney for appellant since the case was filed in July, 1954. I take this action by reason of Art. III, Sec. 22 Constitution of Texas.

HARDEMAN

House Bill 957 on Second Reading

Senator Phillips moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 957 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	Wood

Absent

Fly	Lock
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Absent—Excused

Weinert

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 957, Amending Section 1 of Chapter 343, Acts of the 54th Legislature (Article 2922L(8), Vernon's Texas Civil Statutes), relating to the collection of taxes in certain rural high school districts, by increasing the compensation which the tax collector may be allowed for his services; and declaring an emergency.

The bill was read the second time and was passed to third reading.

House Bill 957 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the Presiding Officer laid H. B. No. 957 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secretst
Kazen	Smith
Krueger	Willis
Lane	Wood

Absent—Excused

Weinert

Senate Resolution 584

Senator Martin offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, twenty-one students from the Senior Class of Bynum, Texas, High School, accompanied by their teachers, Mrs. John W. Terry and Mr. Jimmy Box, and their bus driver, Mr. Markweight and Mrs. Degner (parent); and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Martin by unanimous consent presented the students and teachers to the Members of the Senate.

House Bill 809 on Second Reading

Senator Moffett moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 809 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secretst
Kazen	Smith
Krueger	Willis
Lane	Wood
Lock	

Absent

Fly

Absent—Excused

Weinert

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 809, Providing compensation of District Attorney of 30th Judicial District, etc., and declaring an emergency.

The bill was read second time and was passed to third reading.

House Bill 809 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the Presiding Officer laid H. B. No. 809 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	Wood

Absent—Excused

Weinert

House Bill 655 on Second Reading

On motion of Senator Secrest and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 655, A bill to be entitled "An Act to amend Section 2 of Article 2700, Revised Civil Statutes, 1925, as last amended by Chapter 412, Acts of the 51st Legislature, 1949, to raise the amount allowed for aggregate salaries of all assistants to the County Superintendents of public institutions in certain counties; providing a severability clause; and declaring an emergency."

The bill was read second time.

Question—Shall H. B. No. 655 be passed to third reading?

Resolutions Signed

The Presiding Officer announced the signing by the President Pro Tempore in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. C. R. No. 97, Extending welcome to guests representing Freeport Jaycee Fishing Fiesta.

S. C. R. No. 94, Suspending Joint Rules to consider S. B. No. 50.

(President in the Chair.)

Recess

On motion of Senator Hardeman the Senate at 12:18 o'clock p.m. took recess until 2:30 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:30 o'clock p.m. today.

Message from the Governor

The following message received from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas,
May 21, 1957.

To the Members of the Fifty-fifth Legislature:

I am returning Senate Bill 389 without my approval. This bill would permit the granting of an occupational driver's license to persons who are convicted of driving while under the influence of intoxicating liquor if such persons are engaged in an occupation or trade making it essential to operate a motor vehicle, and if such offense did not occur while engaged in driving a motor vehicle in the furtherance of his occupation or trade.

This exception to the present mandatory suspension of drivers' licenses in the case of persons convicted of driving while intoxicated was intended by the author to care for hardship cases in which the convicted persons are prohibited from earning their livelihood by driving a truck or automobile. However, the language of the bill is much broader and is not limited to hardship cases. It could be applied to anyone engaged in an occupation or trade making it essential that he operate a motor vehicle, regardless of hardship.

It is estimated that the provisions of this bill would be applicable to a majority of the 15,000 persons who are convicted each year of operating a motor vehicle while intoxicated, and this could bring about a result, not intended by the author of the bill,

of lessening the effectiveness of the present laws concerning suspension of driver's licenses of those persons convicted of driving while intoxicated.

The Department of Public Safety has reported to me on this bill as follows:

"The fact that drinking drivers were involved in 39% of the rural accidents, which resulted in 2,016 persons being killed on the rural highways of Texas in 1956, indicates that present penalties and controls are not adequate as preventive measures. It is also worthy of note that more than 25% of those drivers under suspension in Texas at the present time have been suspended before. Should the penalties or controls imposed on drivers convicted of Driving While Intoxicated be made less severe, it is only logical to assume that the problem will become more acute."

The officials of the Texas Safety Association have also advised that in their opinion this bill would minimize the offense and the control measures necessary to combat the crime of driving while intoxicated.

Respectfully submitted,

PRICE DANIEL,
Governor of Texas

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 22, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 143, A bill to be entitled "An Act to prohibit the manufacture, sale and use of certain fireworks and to regulate the manufacture, sale and use of certain other fireworks: Defining what fireworks may be manufactured, sold and used in the State of Texas and declaring their use not to be a nuisance; requiring the proper identification of fireworks; the exemption of certain toys that might be classified as fireworks; providing for the licensing of manufacturers, distributors, jobbers, importers, salesmen, and retailers engaged in the fireworks business and fixing the fee to be paid by each; restricting the places where fireworks may be kept, stored, located or displayed and reg-

ulating the conduct of persons coming in contact with fireworks; prohibiting the sale of fireworks to children under ten (10) and prohibiting the exploding or igniting of fireworks in and around certain businesses and buildings; restricting the effectiveness of the Act only to fireworks to be used in the State and not otherwise; exempting public displays but providing for permits and regulations of public displays and requiring a bond to insure against damage; fixing penalties for the violation thereof; the designation that all revenues from licenses shall be paid to the general fund after expenses of enforcement of the Act have been paid; providing that a portion thereof which is found to be unconstitutional shall not affect the remainder and repealing all laws in conflict therewith; fixing the effective date of such Act; and declaring an emergency."

(With amendments.)

H. C. R. No. 128, Recalling House Bill No. 320 from the Governor.

The House refused to adopt Conference Committee Report on H. B. No. 620 by viva voce vote and requests the Senate to join the House in appointment of a new Conference Committee to adjust the differences between the two Houses.

The motion to reconsider the vote by which the House refused to concur was adopted and to table the motion to reconsider prevailed by a viva voce vote.

The House has concurred in Senate amendments to House Joint Resolution No. 2 by vote of 130 ayes, 3 noes.

The motion to concur in Senate amendments Nos. 2 and 3, and not to concur in Senate amendment No. 1, to H. B. 433, and requests the appointment of a Conference Committee to adjust the differences between the two Houses, prevailed by a vote of 72 ayes, 64 noes, and 3 present not voting.

The House has concurred in Senate amendments to House Bill No. 371 by division vote.

The House has concurred in Senate amendments to House Bill No. 278 by viva voce vote.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Bills and Resolution Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolution:

H. J. R. No. 3, A Joint Resolution "Proposing an amendment to the Constitution of Texas adding a section to be known as Section 49c of Article III, authorizing the issuance and sale of bonds by the State to create the Texas Water Development Fund to provide financial assistance to certain political subdivisions or bodies politic and corporate of the State of Texas in the conservation and development of the water resources of the State; providing for the calling of an election and the publication and issuance for the proclamation therefor."

H. B. No. 333, A bill to be entitled "An Act amending Section 3 of Acts, Fifth Called Session, Forty-first Legislature, Chapter 18, as amended by Acts, 1931, Forty-second Legislature, Chapter 27, as amended by Acts, 1933, First Called Session, Forty-third Legislature, Chapter 56, Section 1, as amended by Acts, 1935, Forty-fourth Legislature, Chapter 342, Section 1, as amended by Acts, 1947, Regular Session, Fiftieth Legislature, Chapter 370, to provide for the temporary registration of vehicles for one-trip movements within the State; providing a penalty for movements in violation thereof; providing a saving clause; and declaring an emergency."

H. B. No. 920, A bill to be entitled "An Act authorizing and directing the Board for Texas State Hospitals and Special Schools, acting by the Executive Director thereof, to execute and deliver to the State Highway Commission of Texas a right-of-way easement to certain land in Cameron County, Texas, for the reconstruction and maintenance of a Farm to Market Road extending along and across certain State property known as Harlingen State Tuberculosis Hospital; and declaring an emergency."

House Bill 655 on Second Reading

The President laid before the Senate as pending business on its second reading H. B. No. 655 on its passage to third reading.

Question—Shall H. B. No. 655 be passed to third reading?

H. B. No. 655 was passed to third reading.

Record of Vote

Senator Fly asked to be recorded as voting "Nay" on the passage of H. B. No. 655 to third reading.

Motion to Place**House Bill 655 on Third Reading**

Senator Secrest moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 655 be placed on its third reading and final passage.

The motion was lost by the following vote:

Yeas—6

Herring	Moore
Hudson	Secrest
Krueger	Willis

Nays—18

Aikin	Moffett
Ashley	Parkhouse
Bracewell	Phillips
Bradshaw	Ratliff
Fly	Reagan
Hardeman	Roberts
Kazen	Rogers
Lane	Smith
Martin	Wood

Absent

Colson	Hazlewood
Fuller	Lock
Gonzalez	Owen

Absent—Excused

Weinert

Senate Bill 475 with House Amendments

Senator Willis called S. B. No. 475 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Willis moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—28

Aikin	Ashley
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Bracewell	Martin
Bradshaw	Moffett
Colson	Moore
Fly	Owen
Gonzalez	Parkhouse
Hardeman	Phillips
Hazlewood	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Secrest
Krueger	Smith
Lane	Willis
Lock	Wood

Nays—1

Rogers

Absent

Fuller

Absent—Excused

Weinert

(Senator Kazen in the Chair.)

House Bill 59 on Second Reading

On motion of Senator Owen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 59, A bill to be entitled "An Act authorizing counties to furnish building space for establishing branch crime detection laboratories by the State Department of Public Safety; directing the Department of Public Safety to establish a branch laboratory in El Paso County, Texas, on stated conditions, and making appropriations for equipping and operating the laboratory; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 59 on Third Reading

Senator Owen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 59 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin

Ashley

Bradshaw	Owen
Colson	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Martin	Willis
Moffett	Wood
Moore	

Absent

Bracewell	Lane
Fly	Lock
Fuller	

Absent—Excused

Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Aikin asked to be recorded as voting "Nay" on the final passage of H. B. No. 59.

House Bill 913 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 913, A bill to be entitled "An Act amending Title 71, Chapter 1, Acts 1927, 40th Vernon's Annotated Civil Statutes, establishing the qualifications for the office of the Commissioner of Health of the State of Texas, repealing conflicting laws, and declaring an emergency."

The bill was read second time.

Senator Martin offered the following amendment to the bill:

Amend House Bill 913 by striking out all of Section 1 and substituting in lieu thereof the following:

Section 1. Title 71, Chapter 1, Acts 1927, 40th Legis., 1st C. S. p. 131, ch. 42, sec. 6, which is compiled as Article 4418b of Vernon's Annotated Civil Statutes, is hereby amended so as to hereafter read as follows:

"Art. 4418b. The Commissioner of Health shall be a legally qualified physician, licensed to practice medicine in the State of Texas, of good professional standing, and a graduate of a recognized medical school whose credits are recognized and acceptable by the University of Texas Medical School; and if not a resident of the State of Texas, he shall establish residence in the State of Texas immediately upon election by the State Board of Health to the capacity of Commissioner of Health. The State Commissioner of Health shall be the executive head of the State Department of Health; he shall devote his whole time to the duties of this office, and shall not engage in the private practice of medicine during his term of office."

The amendment was adopted.

On motion of Senator Martin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 913 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 913 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Willis
Lock	Wood

Absent

Fly Fuller

Absent—Excused

Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Willis
Lock	Wood

Absent

Fly Fuller

Absent—Excused

Weinert

House Bill 799 on Second Reading

Senator Aikin moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 799 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Willis
Lock	Wood

Absent

Fly Fuller

Absent—Excused

Weinert

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 799, Creating a Juvenile Board in Lamar County.

The bill was read the second time and was passed to third reading.

House Bill 799 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the Presiding Officer laid H. B. No. 799 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Willis
Lock	Wood

Absent

Fly Fuller

Absent—Excused

Weinert

House Bill 524 on Second Reading

On motion of Senator Smith and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 524, A bill to be entitled "An Act requiring all contracts relating to the distribution and licensing of motion pictures or films to be shown in theaters in the State of Texas, shall be construed in accordance with the laws of this State; providing venue of suits arising out of such license agreements; providing a repealing clause; providing a severability clause; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 524 on Third Reading

Senator Smith moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 524 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Willis
Lock	Wood

Absent

Fly Fuller

Absent—Excused

Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bills 143 with House Amendments

Senator Moore called S. B. No. 143 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Moore moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—23

Ashley Bradshaw

Colson	Moore
Gonzalez	Owen
Hardeman	Parkhouse
Hazlewood	Phillips
Herring	Ratliff
Hudson	Reagan
Kazen	Roberts
Krueger	Secrest
Lane	Willis
Martin	Wood
Moffett	

Nays—4

Aikin	Lock
Bracewell	Rogers

Absent

Fly	Smith
Fuller	

Absent—Excused

Weinert

Senate Concurrent Resolution 99

Senator Gonzalez offered the following resolution:

S. C. R. No. 99, Suspending Joint Rules to consider S. B. No. 485.

Be it resolved by the Senate, the House of Representatives concurring, that the Joint Rules of the two Houses be suspended to permit the Senate and the House of Representatives to consider S. B. No. 485 at any time.

The resolution was read.

On motion of Senator Gonzalez and by unanimous consent the resolution was considered immediately and was adopted.

Conference Committee Report on House Bill 151

Senator Parkhouse submitted the following Conference Committee Report on H. B. No. 151:

Austin, Texas,
May 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill 151, have met and had same under consideration, and beg to report it back with the recommendation that

it do pass in the form and text hereto attached.

PARKHOUSE
HARDEMAN
WEINERT
REAGAN
FLY

On the part of the Senate.

SAUL
MURRAY
BISHOP
MATTHEWS
LAUREL

On the part of the House.

H. B. No. 151:

A BILL TO BE ENTITLED

"An Act authorizing all persons, firms, associations, corporations, and all municipalities, counties and other political subdivisions of the State, all State Departments, and State Agencies and boards, and all public officials to use certified mail with return receipt in lieu of registered mail; declaring the mailing of notices and other material by such certified mail to have the same legal effect as if sent by registered mail provided receipt is validated by official post office post mark; continuing the use of registered mail where insurance against loss is needed; repealing conflicting laws; providing a severability clause; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. All persons, firms, associations, corporations, and all municipalities, counties and other political subdivisions of the State, all State Departments, and State Agencies and boards, and all public officials are hereby authorized and empowered to use certified mail with return receipt requested, in lieu of registered mail in all instances where registered mail has heretofore been required or may hereafter be authorized by law. The mailing of any required notice of hearing, citation, bid request, or other notices, information or material by such certified mail shall have the same legal effect as if sent by registered mail, provided receipt for such certified mail is validated by official post office post mark. Provided, further, that where existing law now requires registered mail so as to provide insurance against loss of articles or material having an intrinsic value,

then such insured articles or material shall continue to be sent by registered mail.

Section 2. Any law or parts of laws in conflict herewith are hereby repealed.

Section 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 4. The fact that certified mail as herein provided accomplishes the same result in regard to assurance of delivery as does registered mail but at a greatly reduced cost and the savings to the State and its political subdivisions to be effected by this legislation creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act take effect from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—28

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Willis
Lock	Wood

Absent

Fly Fuller

Absent—Excused

Weinert

House Bill 583 on Second Reading

Senator Reagan moved that the Constitutional Rule requiring bills to be read on three several days be

suspended and that H. B. No. 583 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Willis
Lock	Wood

Absent

Fly Fuller

Absent—Excused

Weinert

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 583, Amending statutes relating to state institutions of higher education, "General Property Deposits," etc., and declaring an emergency.

The bill was read the second time and was passed to third reading.

House Bill 583 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the Presiding Officer laid H. B. No. 583 before the Senate on its third reading and final passage.

The bill was read the third time and was passed.

House Bill 362 on Second Reading

On motion of Senator Bracewell and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 362, A bill to be entitled

"An Act amending Section 10, House Bill 374, Acts 1955, 54th Legislature, Regular Session, Page 1137, Chapter 427, fixing compensation of District and Criminal District Judges in certain counties to be paid out of county funds, in addition to amounts paid out of state revenue; and declaring an emergency."

The bill was read second time.

Senator Bracewell offered the following committee amendment to the bill:

Amend House Bill 362 by striking out Section 1 and substituting therefor the following:

Section 1. Section 10 of Chapter 427, Acts of the 54th Legislature, Regular Session, 1955, being also House Bill 374 of the 54th Legislature, is hereby amended so as to hereafter read as follows:

Sec. 10. In all counties of this State having a population of six hundred thousand (600,000) or more inhabitants according to the last preceding Federal Census, the Commissioners Courts of such counties may pay to the Judges of the several District Courts in such counties a supplemental annual salary out of County Funds in equal monthly installments for all judicial and administrative services performed by them; provided, however, that the aggregate annual salary of District Judges in such counties from both State and County funds shall not exceed the salary provided by law for the Justices of the Courts of Civil Appeals in this State. Any District Judge of the State who may be assigned to sit for the Judge of any District Court in such counties under the provisions of Article 200-A, Revised Civil Statutes, may, while so serving, receive in addition to his necessary expenses, additional compensation from county funds in an amount to be set by the Commissioners Court not to exceed the difference between the pay of such visiting judge from all sources and that pay received from all sources by District Judges in the counties affected by the provisions of this Act, such amount to be paid by the county upon approval of the presiding judge in which said Court is located.

The committee amendment was read.

Question — Shall the committee

amendment to H. B. No. 362 be adopted?

On motion of Senator Bracewell and by unanimous consent H. B. No. 362 was Laid on the Table Subject to Call.

House Bill 746 on Second Reading

On motion of Senator Lock and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 746, A bill to be entitled "An Act setting the squirrel season in Jasper, Newton and Tyler Counties; repealing all laws in conflict; providing a severability clause; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 746 on Third Reading

Senator Lock moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 746 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	Wood
Lock	

Absent

Fuller

Absent—Excused

Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 403 on Second Reading

On motion of Senator Hardeman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 403, A bill to be entitled "An Act making an appropriation to the Runnels County Water Improvement District; and declaring an emergency."

The bill was read second time.

Senator Lane offered the following amendment to the bill:

Amend H. B. No. 403 by striking out the word "Preamble" and all whereas clauses between the caption and the enacting clause.

The amendment was adopted.

The bill as amended was passed to third reading.

House Bill 403 on Third Reading

Senator Hardeman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 403 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	Wood
Lock	

Absent

Fuller

Absent—Excused

Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Resolution 585

Senator Hazlewood offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. J. R. Armstrong, Mayor of the City of Amarillo, and Mr. J. M. Simpson, City Commissioner of Amarillo, both prominent businessmen and civic workers, long-time residents of Amarillo; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate, and the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Hazlewood by unanimous consent presented the distinguished guests to the Members of the Senate.

House Bill 698 on Second Reading

Senator Fly asked unanimous consent to suspend the regular order of business and take up H. B. No. 698 for consideration at this time.

There was objection.

Senator Fly then moved to suspend the regular order of business and take up H. B. No. 698 for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

Aikin	Lane
Ashley	Martin
Bradshaw	Moore
Colson	Owen
Fly	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Wood

Nays—3

Bracewell Parkhouse
Moffett

Absent

Fuller Willis
Lock

Absent—Excused

Weinert

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 698, A bill to be entitled "An Act relating to protected assignments of accounts receivable; amending subdivision (1) of Section 1 of Chapter 293, Acts of the 49th Legislature, as amended (Article 260-1, Vernon's Texas Civil Statutes), so as to change the definition of 'account' or 'account receivable' by deleting provisions excluding sums accruing to a contractor who has furnished a surety bond."

The bill was read second time.

Senator Fly offered the following committee amendment to the bill:

Amend House Bill 698, Section 1, by changing the period at the end thereof to a semicolon and adding the following:

"Account" or "Account Receivable" shall not include any sums of money accruing to a contractor for labor performed or material furnished on any public or private construction contract unless the assignment properly describes the land upon which the improvements are to be constructed and such assignment filed in the office of the County Clerk of the county wherein the land lies; which assignment shall not be effective prior to such filing.

The committee amendment was read.

On motion of Senator Fly and by unanimous consent the committee amendment was withdrawn.

The bill was passed to third reading.

House Bill 698 on Third Reading

Senator Fly moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three sev-

eral days be suspended and that House Bill No. 698 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Martin
Ashley	Moore
Colson	Owen
Fly	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lock	Wood

Nays—5

Bracewell	Moffett
Bradshaw	Parkhouse
Lane	

Absent

Fuller

Absent—Excused

Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Bracewell, Bradshaw, Parkhouse and Moffett asked to be recorded as voting "Nay" on the final passage of H. B. No. 698.

House Bills on First Reading

The following bills received from the House were read first time and referred to the Committees indicated:

H. B. No. 944, To the Committee on Counties, Cities and Towns.

H. B. No. 519, To the Committee on Counties, Cities and Towns.

Reports of Standing Committees

Senator Owen by unanimous consent submitted the following report:

Austin, Texas,
May 22, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 519, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Senator Fly by unanimous consent submitted the following report:

Austin, Texas,
May 22, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 326, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended by Committee, and be printed.

FLY, Chairman.

House Bill 326 Ordered Not Printed

Senator Owen asked unanimous consent that H. B. No. 326 be ordered not printed.

Senator Bradshaw moved as a substitute that H. B. No. 326 be re-committed to the Committee on Finance.

Senator Phillips raised the point of order that the substitute motion offered by Senator Bradshaw is not a proper substitute for the motion offered by Senator Owen.

The Presiding Officer (Senator Kazen in the Chair) overruled the point of order.

Question first on the motion to re-commit H. B. No. 326 to the Committee on Finance, the motion was lost by the following vote:

Yeas—9

Bradshaw	Moffett
Hardeman	Ratliff
Lane	Roberts
Lock	Rogers
Martin	

Nays—19

Aikin	Herring
Ashley	Hudson
Bracewell	Kazen
Fuller	Krueger
Gonzalez	Moore
Hazlewood	Owen

Parkhouse	Smith
Phillips	Willis
Reagan	Wood
Secrest	

Absent

Colson	Fly
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Absent—Excused

Weinert

Question next on the motion to not print H. B. No. 326, the motion prevailed by the following vote:

Yeas—18

Aikin	Moore
Bracewell	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hazlewood	Reagan
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood

Nays—9

Ashley	Moffett
Bradshaw	Ratliff
Hardeman	Roberts
Lane	Rogers
Martin	

Absent

Colson	Lock
Fly	

Absent—Excused

Weinert

(Senator Hardeman in the Chair.)

House Concurrent Resolution 128 on Second Reading

The Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 128, Recalling H. B. No. 320 from the Governor's office and Enrolling Clerk to make certain corrections therein.

The resolution was read and was adopted by the following vote:

Yeas—29

Aikin	Fly
Ashley	Fuller
Bracewell	Gonzalez
Bradshaw	Hazlewood
Colson	Herring

Hudson	Phillips
Kazen	Ratliff
Krueger	Reagan
Lane	Roberts
Lock	Rogers
Martin	Secrest
Moffett	Smith
Moore	Willis
Owen	Wood
Parkhouse	

Nays—1

Hardeman

Absent—Excused

Weinert

Report of Standing Committee

Senator Owen by unanimous consent submitted the following report:

Austin, Texas,
May 22, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 944, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

House Bill on First Reading

The following bill received from the House was read first time and referred to the committee indicated:

H. B. No. 628, To the Committee on Military and Veterans' Affairs.

Report of Standing Committee

Senator Roberts by unanimous consent submitted the following report:

Austin, Texas,
May 22, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Military and Veterans' Affairs, to whom was referred H. B. No. 628, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

(President Pro Tempore in the Chair.)

House Bill 628 Ordered Not Printed

On motion of Senator Parkhouse and by unanimous consent H. B. No. 628 was ordered not printed.

House Bill 558 on Second Reading

On motion of Senator Hudson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 558, A bill to be entitled "An Act authorizing the appointment of a water master in any suit to determine the right of one hundred or more parties to divert or use water of a surface stream in which suit rights are asserted to divert or use such water in four or more counties; etc., and declaring an emergency."

The bill was read second time.

Senator Hudson offered the following amendment to the bill:

Amend H. B. 558 by striking out all of Sec. 1 and substituting the following:

"Section 1. None of the provisions of this Act shall apply in any suit to which the State of Texas is a party and the purpose of which suit is to determine the rights of parties to divert or use the waters of a surface stream, in which suit rights are asserted to divert or use such waters in not more than 4 counties, the Court having jurisdiction over such suit is authorized to appoint a water-master with power to allocate and distribute the waters taken into judicial custody under the supervision and direction of the Court. In no event shall the Court be authorized to appoint a water-master as herein provided to act both upstream and downstream from any reservoir constructed on any surface stream of this State."

The amendment was adopted.

On motion of Senator Hudson and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 558 on Third Reading

Senator Hudson moved that the Constitutional Rule and Senate Rule

32 requiring bills to be read on three several days be suspended and that House Bill No. 558 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Lane	Wood
Lock	

Nays—1

Krueger

Absent—Excused

Weinert

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Lane	Wood
Lock	

Nays—1

Krueger

Absent—Excused

Weinert

House Bill on First Reading

The following bill received from

the House was read first time and referred to the committee indicated:

H. B. No. 136, To the Committee on State Departments and Institutions.

Report of Standing Committee

Senator Herring by unanimous consent submitted the following report:

Austin, Texas,
May 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to whom was referred H. B. No. 136, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

House Bill 136 Ordered Not Printed

On motion of Senator Herring and by unanimous consent H. B. No. 136 was ordered not printed.

House Bill 519 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent H. B. No. 519 was ordered not printed.

House Bill 519 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 519, A bill to be entitled "An Act amending Sections 61, 62 and 187 of the Election Code of the State of Texas (codified as Articles 6.05, 6.06, and 13.09 in Vernon's Texas Election Code) so as to eliminate provisions for alternate methods of marking ballots and so as to provide that the scratch method shall be the method for making ballots; changing certain other provisions relative to the form of the ballot and the method of marking the ballot; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 519 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32

requiring bills to be read on three several days be suspended and that H. B. No. 519 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lock
Ashley	Martin
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Willis
Krueger	Wood
Lane	

Absent

Fuller	Smith
Moffett	

Absent—Excused

Weinert

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Conference Committee Report on Senate Bill 222

Senator Fly submitted the following Conference Committee Report on S. B. No. 222:

Austin, Texas,
May 22, 1957.

Hon. Ben Ramsey, President of the Senate.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill No. 222 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text attached hereto.

FLY
HARDEMAN
LANE
BRADSHAW

On the part of the Senate.

CORY
BELL
WEBER
McDONALD

On the part of the House.

S. B. No. 222:

A BILL TO BE ENTITLED

An Act amending Articles 1.02, 1.03, 1.04, 1.05, 1.06, 1.07, 1.08 and 1.09 of the Insurance Code, same being Acts of the 52nd Legislature, Regular Session (1951), Chapter 491, page 868, as amended; by adding to the Insurance Code Articles 1.09-1, 1.09-2, and 1.09-3; by creating the State Board of Insurance; providing for the appointment, bond, and compensation of the members of said Board; prescribing their qualifications and terms of office, and the manner in which they shall operate; providing how vacancies on the Board shall be filled; defining the duties of the Board, together with its powers and functions; providing for meetings of the Board; providing for appointment of a Commissioner of Insurance and for his bond and compensation; defining the duties and powers of the Commissioner of Insurance; appointing the Commissioner of Insurance the State Fire Marshal; providing for the appointment of a Chief Clerk and for his compensation; defining the powers and duties of the Chief Clerk; making certain persons ineligible to be members of the Board or Commissioner of Insurance, or to hold any office or employment under either; providing for an appeal from the decisions of the Commissioner and the Board; providing that the Board and Commissioner shall be represented by the Attorney General, and fixing his powers and duties; providing method for additional examinations of insurers; providing ineligibility of members of State Board of Insurance and Commissioner to run for public office; making certain acts of members of Board, the Commissioner, and their employees unlawful and fixing penalties therefor; repealing all laws and parts of laws in conflict with the provisions of this Act to the extent of such conflict only; providing for a severability and savings clause as to any invalid provision of this Act; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The purpose of this Act

is to reorganize the agency charged with administration of the insurance laws of this State in accordance with the provisions of this Act and to make such changes in the Insurance Code, and the construction of the terms of the Insurance Code, as are necessary to accomplish the purposes of this Act. All reference to the "Insurance Code" are to the Insurance Code, enacted by Chapter 491, Acts of the 52nd Legislature, 1951, as amended.

Section 2. Article 1.02 through Article 1.09, inclusive, of the Insurance Code, as amended, are amended to read as follows:

"Art. 1.02. State Board of Insurance.

"(a) There is hereby created the State Board of Insurance which shall consist of three members, all of whom shall be citizens of Texas. They shall be appointed by the Governor, by and with the advice and consent of the Senate of Texas. The term of office of each member shall be as provided in this Code. Each member of the Board shall be a person with at least ten (10) years of successful experience in business, professional or governmental activities, or a total of at least ten (10) years in any combination of two or more of such activities. Each member shall be available at all reasonable times for the discharge of the duties and functions delegated to the members of said Board by this amendatory Act, but the members shall act as a unit, and in no event shall the individual members divide or confine their activities to special fields of insurance regulation or attempt to administer the functions hereinafter assigned to the Commissioner of Insurance.

"(b) All of the powers, functions, authorities, prerogatives, duties, obligations and responsibilities, heretofore vested in and devolving upon the Board of Insurance Commissioners as heretofore constituted under prior statutes; the Chairman of said Board; the Life Insurance Commissioner; the Fire Insurance Commissioner; and the Casualty Insurance Commissioner, shall hereafter be vested in the State Board of Insurance as a Body, and, except as provided herein, they shall be exercised, performed, carried out, and administered by the Commissioner of Insurance as the chief executive and administrative officer of the Board in accordance with the pertinent laws of this State and the rules and reg-

ulations for uniform application made by the Board and subject to supervision of the Board. The duties of the State Board of Insurance shall be primarily in a supervisory capacity and the carrying out and administering the details of the Insurance Code shall be primarily the duty and responsibility of the Commissioner of Insurance acting under the supervision of the Board.

"(c) Except as otherwise provided herein, all remaining references in the Insurance Code and other statutes of this State to 'Board of Insurance Commissioners,' 'Board,' or individual Commissioners shall mean the 'State Board of Insurance,' or the 'Commissioner of Insurance,' consistent with their respective duties and responsibilities under the terms and provisions of this amendatory act.

"(d) Upon the appointment of the members of the State Board of Insurance and on February 10 of each odd-numbered year thereafter, the Governor shall appoint from among the membership a Chairman who shall be known and designated as the Chairman of the State Board of Insurance.

"Art. 1.03. Terms of Office.

"(a) Upon the effective date of this Act amending the Insurance Code, the Governor shall appoint, by and with the advice and consent of the Senate of Texas, three members to the State Board of Insurance. One appointment shall be for a term expiring January 31, 1959; another, for a term expiring January 31, 1961; and a third, for a term expiring January 31, 1963. Thereafter, in each odd-numbered year, the Governor shall appoint, by and with the advice and consent of the Senate of Texas, a member for a term of six years which term shall begin on the first day of February of each such year. Each member shall serve until his successor has qualified; provided that the Governor may remove from office any member of the Board who fails for any reason to attend a meeting of the Board for three consecutive months and he shall remove from office any member of the Board who for any reason fails to attend a meeting of the Board for six months. Such removal shall be by an instrument in writing filed with the Secretary of State and the State Board of Insurance, and the office of the member so removed shall be deemed vacant the same as if the member had died or resigned. The

members of the Board of Insurance Commissioners in office immediately prior to the effective date of this Act amending the Code shall serve as interim members of the State Board of Insurance until the members of such Board provided for in this Act shall have been appointed and qualified.

"(b) Vacancies occurring in any such office on the Board during any term shall, with the advice and consent of the Senate, be filled by appointment by the Governor, which appointment shall extend only to the end of the unexpired term."

"Art. 1.04. Duties and Organization of the State Board of Insurance.

"(a) The State Board of Insurance shall operate and function as one body or a unit and a majority vote of the members of the Board shall be necessary to transact any of its official business. The Board shall maintain one official set of records of its proceedings and actions.

"(b) The State Board of Insurance shall determine policy, rules, rates and appeals but otherwise it shall execute its duties through the Commissioner of Insurance as herein provided for, in accordance with the laws of this State and the rules and regulations for uniform application as made by the Board.

"(c) All rules and regulations for the conduct and execution of the duties and functions of the State Board of Insurance shall be rules for general and uniform application and shall be made and published by the Board on the basis of a systematic organization of such rules by their subject matter and content. The Commissioner of Insurance may make recommendations to the Board regarding such rules and regulations, including amendments, changes and additions. Such published rules shall be kept current and shall be available in a form convenient to all interested persons.

"(d) Any person or organization, private or public, which is affected by any ruling or action of the Commissioner of Insurance shall have the right to have such ruling or action reviewed by the State Board of Insurance by making an application to the Board. Such application shall state the identities of the parties, the ruling or action complained of, the interests of the parties in such ruling, the grounds of such objection, the action sought of the Board and the

reasons and grounds for such action by the Board. The original shall be filed with the Chief Clerk of the Board together with a certification that a true and correct copy of such application has been filed with the Commissioner of Insurance. Within thirty (30) days after the application is filed, and after ten (10) days written notice to all parties of record, the Board shall review the action complained of in a public hearing and render its decision at the earliest possible date thereafter. The Board shall make such other rules and regulations with regard to such applications and their consideration as it deems advisable, not inconsistent with this Article. Said application shall have precedence over all other business of a different nature pending before the Board.

"In the public hearing, any and all evidence and matters pertinent to the appeal may be submitted to the Board, whether included in the application or not.

"(e) The Board shall have regular meetings on the first and third Mondays in each month and such special meetings to be called by the Chairman as shall be required to execute its duties. The Board shall from time to time make and publish rules regarding such meetings.

"(f) If any insurance company or other party at interest be dissatisfied with any decision, regulation, order, rate, rule, act or administrative ruling adopted by the State Board of Insurance, such dissatisfied company or party at interest after failing to get relief from the State Board of Insurance, may file a petition setting forth the particular objection to such decision, regulation, order, rate, rule, act or administrative ruling, or to either or all of them, in the District Court of Travis County, Texas, and not elsewhere, against the State Board of Insurance as defendant. Said action shall have precedence over all other causes on the docket of a different nature. The action shall not be limited to questions of law and the substantial evidence rule shall not apply, but such action shall be tried and determined upon a trial de novo to the same extent as now provided for in the case of an appeal from the Justice Court to the County Court. Either party to said action may appeal to the Appellate Court having jurisdiction of said cause and said

appeal shall be at once returnable to said Appellate Court having jurisdiction of said cause and said action so appealed shall have precedence in said Appellate Court over all causes of a different character therein pending.

The Board shall not be required to give any appeal bond in any cause arising hereunder.

"(g) In making examinations of any insurance organization as provided by law, the Board may use its own salaried examiners or may employ any holder of a permit to practice public accountancy in Texas who is engaged as an independent public accountant in the public practice as that term is known and understood in the accounting profession. Such examination shall cover the period of time which the Board shall request. In the event the Board does not specify a longer period of time, such examination shall be from the time of the last examination theretofore made by the Board to December 31st of the year preceding the examination then being made and such public accountants shall so certify the period being examined by him. Any such public accountant shall be paid for such examination at the usual and customary rates charged by public accountants for similar services. Such payment shall be made by the insurance organization being examined and all such examination fees so paid shall be allowed as a credit on the amount of premium or other taxes to be paid by any such insurance organization for the taxable year during which examination fees are paid just as examination fees are credited when the Board uses its own salaried examiners.

"Art. 1.05. Bond and Compensation.

"(a) Each of the members of the State Board of Insurance shall, before entering upon the duties of this office, give a bond to the State of Texas, executed by a surety company licensed to do business in the State of Texas, in a sum of Fifty Thousand Dollars (\$50,000.00), to be approved by the Governor, conditioned upon the faithful discharge of the duties of his office.

"(b) The members of the Board shall receive compensation until August 31, 1958 at the rate of Fifteen Thousand Dollars (\$15,000.00) per year and thereafter shall receive a per diem of Fifty Dollars (\$50.00)

per day for each day devoted to their duties but the total amount of per diem for each Commissioner in any year shall not exceed that amount set forth in the General Appropriation Bill. In addition to the per diem the members shall be entitled to their actual expenses but in no event more than allowed in the General Appropriation Bill.

"Art. 1.06. Ineligibility.

"No person who is a stockholder, director, officer, attorney, agent, or employee of any insurance company, insurance agent, insurance broker, or insurance adjuster, or who is in any way directly or indirectly interested in any such business shall be a member of the State Board of Insurance, be Commissioner of Insurance, or be appointed to, or accept, any office or employment under said Board or Commissioner of Insurance, provided, however, that such ineligibility shall not extend or apply to persons who are merely insured by an insurer, or are merely beneficiaries of such insurance; or who, in their official capacity, are appointed as a receiver, liquidator, or conservator for an insurer.

"Art. 1.07. Industrial Accident Board.

"Nothing in this Code shall be construed to in any manner affect the duties now imposed by law on the Industrial Accident Board or to take from said board the performance of the duties now imposed on said board by law.

"Art. 1.08. Office of the Clerk.

"(a) The Board shall appoint a Chief Clerk of the State Board of Insurance. The Chief Clerk shall have the responsibility of keeping and maintaining all records and proceedings of the Board.

"(b) The Board may make any appropriate provisions by rules as to method or form by which any records or proceedings are kept and maintained, such as, but not limited to, providing for the mechanical or electrical recording of hearings or meetings in a phonographic transcription form and the photographing or microphotographing of written records or other materials.

"Art. 1.09. Commissioner of Insurance.

"(a) The Board shall appoint a Commissioner of Insurance, by and with the advice and consent of the Senate of Texas, who shall be its

chief executive and administrative officer, who shall be charged with the primary responsibility of administering, enforcing, and carrying out the provisions of the Insurance Code under the supervision of the Board. He shall hold his position at the pleasure of the board and may be discharged at any time.

"(b) The Commissioner of Insurance shall be the State Fire Marshal and shall function as such subject to the rules and regulations of the Board.

"(c) The Commissioner of Insurance shall be a resident citizen of Texas, for at least one (1) year prior to his appointment and shall be a competent and experienced administrator who shall be well informed and qualified in the field of insurance and insurance regulation. He shall have had at least ten (10) years of administrative or professional experience, and shall have had training and experience in the field of insurance or insurance regulation. No former or present member of the Board of Insurance Commissioners shall be appointed Commissioner of Insurance.

"(d) The Commissioner of Insurance shall first give a bond to the State of Texas, executed by a surety company licensed to do business in the State of Texas, in the sum of Fifty Thousand Dollars (\$50,000.00), to be approved by the Board, conditioned upon the faithful discharge of the duties of his office.

"(e) Compensation to be paid the Commissioner of Insurance shall be such sum as is provided for by the appropriation acts.

"(f) The Commissioner of Insurance or his representative shall meet with the Board in an advisory capacity and without vote in the proceedings of the Board. He shall submit such reports to the Board as it may request or provide for by its rules and regulations.

"(g) The Commissioner of Insurance shall appoint such deputies, assistants, and other personnel as are necessary to carry out the duties and functions devolving upon him and the State Board of Insurance under the Insurance Code of this State, subject to the authorization by the Legislature in its appropriations bills or otherwise, and to the rules of the Board.

Section 3. Chapter One of the Insurance Code is amended by adding immediately after Article 1.09 the

following Article 1.09-1, which shall read as follows:

"Art. 1.09-1. Represented by the Attorney General.

"(a) The State Board of Insurance, and the Commissioner of Insurance, shall be represented and advised by the Attorney General in all legal matters before them or in which they shall be interested or concerned. The Board and Commissioner of Insurance shall not employ or obtain any other legal services without the written approval of the Attorney General.

"(b) In all rate hearings and policy form proceedings before the Board or the Commissioner of Insurance, the Attorney General may intervene in the public interest. The Board shall have and exercise the power of subpoena and subpoena duces tecum for witnesses, documents, and other evidence to the extent of the jurisdiction of this State for such hearings and proceedings on its own motion or upon application of the Attorney General.

Section 4. Chapter One of the Insurance Code is amended by adding after Article 1.09-1 the following Article 1.09-2, which shall read as follows:

"Art. 1.09-2. Eligibility to Run for Public Office.

"(a) The members of the State Board of Insurance and the Commissioner of Insurance shall be ineligible to run for any public office, or to have their names placed on the official ballot for any office in any election in this State, except and unless such Board member or Commissioner of Insurance has resigned and his resignation has been accepted by the Governor.

Section 5. Chapter One of the Insurance Code is amended by adding after Article 1.09-2 the following Article 1.09-3, which shall read as follows:

"Art. 1.09-3. Certain Acts Shall be Unlawful.

"(a) It shall be unlawful for any member of the State Board of Insurance, Commissioner of Insurance, or any employee or agent of the State Board of Insurance to accept any money, gift or anything of value or agree to accept any money, gift, or anything of value, or to sell or offer to sell anything of value, or to buy or offer to buy anything of value from or to any insurance company or agent or employee of any insurance company.

"It shall be unlawful for any officer, agent or employee of any insurance company to give or offer to give money, a gift or anything of value, or to pay or offer to pay money or anything of value, to any member of the State Board of Insurance, Commissioner of Insurance or any agent or employee of the State Board of Insurance.

"The provisions of this Article shall not apply to transactions between such persons as insureds of insurers provided the customary premiums are paid by the insureds.

"Any person violating the provisions of this Article shall upon conviction be confined in the penitentiary for not less than one year or more than five years."

Section 6. The Board of Insurance Commissioners shall not enter into any extension of leases, leases, or contracts with and shall make no expenditures of money for the purpose of housing or quarters for the Board to any individual, group of individuals, or groups connected directly or indirectly with any insurance company, insurance agency, insurance brokerage, or insurance adjuster.

It is expressly provided, however, that the Commission shall comply with the provisions hereof not later than three years from the effective date hereof.

Section 7. There is hereby appropriated to the State Building Commission for the period of time beginning September 1, 1957, and ending August 31, 1959, to obtain a site, plan, design, construct and equip an office building or otherwise obtain adequate housing facilities to house the State Board of Insurance, its offices and employees, all unexpended balances on hand or in special funds credited to the State Board of Insurance Commissioners or the State Board of Insurance on August 31, 1957, and all revenues received by the State Board of Insurance from any source whatsoever, except monies from the General Revenue Fund and monies appropriated exclusively for other purposes in the General Appropriation Bill for the fiscal years ending August 31, 1958, and August 31, 1959.

The site shall be selected and acquired by the State Building Commission after obtaining the advice of a Legislative Committee appointed by the Lieutenant Governor and the

Speaker of the House. After selection of the site, the State Building Commission is authorized to proceed with the planning, designing, constructing and equipping of said building. Nothing herein shall prevent the State Building Commission from combining the quarter for said Board with other quarters for other departments of the State.

Section 8. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of conflict only.

Section 9. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision of application, and to this end the provisions of this Act are declared to be severable.

Section 10. The fact that there is an urgent need for more unified and effective administration of the insurance laws of this State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read.

Question—Shall the Conference Committee Report on S. B. No. 222 be adopted?

Report of Standing Committee

Senator Kazen by unanimous consent submitted the following report:

Austin, Texas,

May 22, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 412, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

KAZEN, Chairman.

House Bill 412 Ordered Not Printed

On motion of Senator Wood and by unanimous consent H. B. No. 412 was ordered not printed.

Conference Committee Report on House Bill 134

Senator Willis submitted the following Conference Committee Report on H. B. No. 134:

Austin, Texas,
May 22, 1957.

Hon. Ben Ramsey, President of the Senate.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the Senate and the House of Representatives on House Bill 134, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

HALE
BURKETT
PATTERSON
FOREMAN
HUGHES of Dallas

On the part of the House.

WILLIS
LANE
HARDEMAN
MARTIN
HERRING

On the part of the Senate.

H. B. No. 134:

A BILL TO BE ENTITLED

"An Act amending Article 1299, Revised Civil Statutes of Texas, 1925; amending Article 1300, Revised Civil Statutes of Texas, 1925; amending Article 5460, Revised Civil Statutes of Texas, 1925; amending Article 6608, Revised Civil Statutes of Texas, 1925; amending Article 6605, Revised Civil Statutes of Texas, 1925; eliminating the requirement for separate and privy acknowledgment of conveyances and other instruments by married women; preserving the legal status of all instruments executed prior to the effective date hereof; providing a saving clause; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 1299, Revised Civil Statutes of Texas, 1925, is hereby amended so as hereafter to read as follows:

"Article 1299. Conveyance of Sep-

arate Lands of Wife. The husband and wife shall join in the conveyance of real estate which is the separate property of the wife."

Section 2. Article 1300, Revised Civil Statutes of Texas, 1925, is hereby amended so as hereafter to read as follows:

"Article 1300. Conveyance of Homestead. The homestead of the family shall not be sold and conveyed by the owner, if a married man or a married woman, without the consent of the husband or wife. Such consent shall be evidenced by both the husband and wife joining in the conveyance, by both the husband and the wife signing their names thereto, and by both the husband and the wife acknowledging their signatures thereto before a proper official in the manner provided by law."

Section 3. Article 5460, Revised Civil Statutes of Texas, 1925, is hereby amended so as hereafter to read as follows:

"Article 5460. Lien on Homestead. When material is furnished, labor performed, or improvements as defined in this title are made, or when erections or repairs are made upon homesteads, if the owner thereof is a married man or married woman, then to fix and secure the lien upon the same it shall be necessary for the person or persons who furnish the material or perform the labor, before such material is furnished or such labor is performed, to make and enter into a contract in writing, setting forth the terms thereof, which shall be signed and acknowledged by both the husband and wife. And such contract shall be recorded in the office of the county clerk in the county where such homestead is situated, in a well-bound book to be kept for that purpose. When such contract has been made and entered into by the husband and wife and the contractor or builder, and the same has been recorded, as heretofore provided, then the same shall inure to the benefit of any and all persons who shall furnish material or labor thereon for such contractor or builder."

Section 4. Article 6608 of the Revised Civil Statutes of Texas, 1925, is hereby amended so as hereafter to read as follows:

"Article 6608. Form of Certificate for Conveyances other than homestead. The certificate of acknowledgment of a woman, married or single, for all conveyances other than the

conveyance by a married woman of her homestead, must be substantially in the following form:

State of _____

County of _____

Before me, _____, the undersigned authority, on this day personally appeared _____, known to me (or proved to me under oath of _____) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the _____ day of _____, A.D. _____.

Notary Public in and for
County, _____

Section 5. Article 6605, Revised Civil Statutes of Texas, 1925, is hereby amended so as hereafter to read as follows:

"Article 6605. Acknowledgment of Married Women to Conveyance of Homestead. No acknowledgment of a married woman to a conveyance of the homestead shall be taken, unless she has had the same shown to her, and then and there fully explained by the officer taking the acknowledgment; nor shall he certify to the same, unless she thereupon acknowledges to such officer that the same is her act and deed, that she has willingly signed the same, and that she wishes not to retract it. The certificate of acknowledgment of a married woman to the conveyance of her homestead must be substantially in the following form:

"The State of _____

"County of _____

"Before me, _____ (here insert the name and character of office) on this day personally appeared _____, wife of _____, known to me (or proved to me on the oath of _____) to be the person whose name is subscribed to the foregoing instrument, and having been examined by me, and having the same fully explained to her, she, the said _____, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

(Seal) "Given under my hand and seal of office this _____ day of _____, A.D. _____."

Section 6. This Act shall apply to conveyances, contracts, and acknowledgments made after the effective date of this Act. The repeal or amendment of any Statute by this Act shall not affect or impair any conveyance, contract, or acknowledgment completed under such Statute; and such Statute shall be treated as still remaining in force for the purpose of sustaining any action for the enforcement of any right or obligation or of sustaining a defense to any action arising from instruments executed prior to the effective date hereof.

Section 7. The enactment of this Act shall not be held to affect in any manner any instrument bearing the separate acknowledgment of a married woman, or executed by a married woman and not so acknowledged, the validity of which instrument is in issue in any case pending when this Act takes effect.

Section 8. This Act shall take effect and be in force on and after January 1, 1958.

Section 9. The importance of this legislation and the urgent need of the reforms to be effected hereby create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in full force on and after the first day of January, 1958, and it is so enacted.

The report was read and was adopted.

House Bill 136 on Second Reading

Senator Herring moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 136 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Herring
Ashley	Hudson
Bracewell	Kazen
Bradshaw	Krueger
Colson	Lane
Fly	Lock
Fuller	Martin
Gonzalez	Moffett
Hardeman	Moore
Hazlewood	Owen

Parkhouse	Rogers
Phillips	Secrest
Ratliff	Smith
Reagan	Willis
Roberts	Wood

Absent—Excused

Weinert

The President Pro Tempore then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 136, A bill to be entitled "An Act transferring a portion of the current appropriation for office expense of the Firemen's Pension Commission to its appropriation for travel expense; and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 136 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President Pro Tempore laid H. B. No. 136 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	Wood

Absent—Excused

Weinert

House Bill 944 Ordered Not Printed

On motion of Senator Wood and by unanimous consent H. B. No. 944 was ordered not printed.

House Concurrent Resolution 29 on Second Reading

On motion of Senator Bradshaw

and by unanimous consent the President Pro Tempore laid before the Senate on its second reading the following resolution:

H. C. R. No. 29, Granting Jack E. Pratt, doing business as Texas Distributing Company, permission to sue the State of Texas.

The resolution was read and was adopted.

Conference Committee on House Bill 433

Senator Bracewell called from the President's table for consideration at this time the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 433 and moved that the request be granted.

The motion to grant the request prevailed.

House Bill 362 on Second Reading

On motion of Senator Bracewell and by unanimous consent H. B. No. 362 was Called from the Table and laid before the Senate on its second reading, with a committee amendment pending.

Question — Shall the committee amendment to H. B. No. 362 be adopted?

Senator Bracewell offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to H. B. No. 362 by changing the word "may" to "shall" in the first sentence of Section 10 of the Act.

The amendment to the committee amendment was adopted.

The committee amendment as amended was then adopted.

Senator Bracewell offered the following committee amendment to the bill:

Amend House Bill 362 by changing the caption to read as follows:

An Act amending Section 10, House Bill 374 Acts 54th Legislature, 1955, providing for compensation of District Judges from County Funds in counties of 600,000 or more inhabitants, and declaring an emergency.

The committee amendment was adopted.

The bill as amended was passed to third reading.

House Bill 362 on Third Reading

Senator Bracewell moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 362 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Wood
Lane	

Nays—1

Willis

Absent—Excused

Weinert

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

(Senator Hardeman in the Chair.)

House Bill 890 on Second Reading

On motion of Senator Kazen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 890, A bill to be entitled "An Act to amend Article 4357 of the Revised Civil Statutes of Texas as amended by H. B. No. 419, Chapter 350, paragraph 1, Acts of the Regular Session of the Fifty-third Legislature, authorizing the Comptroller of Public Accounts to issue a warrant in payment of claims for Fifty Dollars

(\$50) or less without an affidavit when the claimant certifies under the penalties of perjury that to the best of his knowledge and belief the claim is true and correct, repealing all laws in conflict herewith to the extent of such conflict; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 890 on Third Reading

Senator Kazen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 890 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	Wood

Absent—Excused

Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Concurrent Resolution 124 on Second Reading

On motion of Senator Phillips and by unanimous consent the Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 124, Enrolling Clerk to make certain corrections in H. B. No. 835.

The resolution was read and was adopted.

House Concurrent Resolution 4 on Second Reading

The Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 4, Providing for Sine Die Adjournment of 55th Legislature at 6:00 o'clock p.m. on Thursday, May 23, 1957.

The resolution was read and was adopted.

House Concurrent Resolution 69 on Second Reading

On motion of Senator Bracewell and by unanimous consent the Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 69, Granting Joyce Reynolds Aherns permission to sue the State of Texas and its Prison Board.

The resolution was read and was adopted.

House Joint Resolution 4 on Second Reading

Senator Fly asked unanimous consent to Call from the Table H. J. R. No. 4 on its second reading and passage to third reading. (The resolution having been read the second time on Thursday May 16, 1957.)

There was objection.

Senator Fly then moved to Call H. J. R. No. 4 from the Table for consideration at this time.

The motion was lost by the following vote:

Yeas—15

Ashley	Krueger
Bracewell	Lock
Bradshaw	Parkhouse
Fly	Ratliff
Fuller	Secrest
Gonzalez	Smith
Hazlewood	Wood
Kazen	

Nays—15

Aikin	Herring
Colson	Hudson
Hardeman	Lane

Martin	Reagan
Moffett	Roberts
Moore	Rogers
Owen	Willis
Phillips	

Absent—Excused

Weinert

House Bill 11 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 11, A bill to be entitled "An Act defining and regulating the business of giving bail in criminal and quasi-criminal cases, providing for the licensing of persons, firms and corporations who engage in that business in any county having within its boundaries a city with a population of 350,000 inhabitants according to the last preceding Federal Census, providing certain penalties, and declaring an emergency."

The bill was read second time and passed to third reading by the following vote:

Yeas—20

Aikin	Lock
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Herring	Secrest
Kazen	Smith
Krueger	Willis

Nays—10

Ashley	Martin
Hardeman	Moffett
Hazlewood	Owen
Hudson	Rogers
Lane	Wood

Absent—Excused

Weinert

Motion to Place House Bill 11 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three

several days be suspended and that House Bill No. 11 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members of the Senate):

Yeas—22

Aikin	Krueger
Ashley	Lock
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Ratliff
Fly	Reagan
Fuller	Roberts
Gonzalez	Secrest
Hardeman	Smith
Hazlewood	Willis
Herring	Wood

Nays—8

Hudson	Moffett
Kazen	Owen
Lane	Phillips
Martin	Rogers

Absent—Excused

Weinert

Bills and Resolutions Signed

The Presiding Officer announced the signing by the President pro tempore in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. B. No. 907, A bill to be entitled "An Act providing for a resident hunting license, non-resident or alien hunting license, non-resident migratory birds hunting license; providing for a fee for each license created hereunder; providing for exceptions; providing for the form of each license herein created; providing for the issuance of a duplicate license; providing for a fee to the issuing officer of all hunting licenses; providing for a deer tag; providing for the collection, deposition and use of all monies collected because of this Act; providing for exemptions; prohibiting hunting under the license of another; requiring license holders to exhibit their license when requested by proper officer; providing for an effective date of this Act; repealing all laws in conflict herewith; providing a penalty for violation of this Act; and declaring an emergency."

H. B. No. 161, A bill to be entitled

"An Enabling Act to carry into effect the provisions of the proposed amendment adding Section 49c to Article III of the State Constitution; defining certain terms; creating the Texas Water Development Board, and prescribing its composition, powers and duties; authorizing the issuance of the Board of One Hundred Million Dollars (\$100,000,000) in state bonds to create the Texas Water Development Fund; etc.; and declaring an emergency."

H. C. R. No. 113, Granting H. A. Clements permission to sue the State of Texas.

H. C. R. No. 122, Requesting Governor to return H. J. R. No. 1 to the House for correction.

H. C. R. No. 125, Suspending the Joint Rules so that the House may consider H. B. 136 at any time.

H. C. R. No. 90, Granting G. Carroll Goen permission to sue the State of Texas and North Texas State College.

H. C. R. No. 128, Recalling H. B. No. 320 from Governor's Office for certain corrections.

**House Concurrent Resolution 115
on Second Reading**

The Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 115, Commending Charles E. Steward for his many years of efficient and effective service to the State of Texas.

The resolution was read and was adopted.

House Bill 412 on Second Reading

On motion of Senator Wood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading.

H. B. No. 412, A bill to be entitled "An Act granting the Commissioners Court of Henderson County permission to pay out of the General Fund of said County bounties for the destruction of wolves and predatory animals; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 412 on Third Reading

Senator Wood moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 412 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	Wood

Absent—Excused

Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 944 on Second Reading

Senator Wood moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 944 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Herring
Ashley	Hudson
Bracewell	Kazen
Bradshaw	Krueger
Colson	Lane
Fly	Lock
Fuller	Martin
Gonzalez	Moffett
Hardeman	Moore
Hazlewood	Owen

Parkhouse	Rogers
Phillips	Secrest
Ratliff	Smith
Reagan	Willis
Roberts	Wood

Absent—Excused

Weinert

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 944, Relating to the powers of the Domestic Relations Court of Smith County.

The bill was read the second time and was passed to third reading.

House Bill 944 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the Presiding Officer laid H. B. No. 944 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood
Lane	

Nays—1

Rogers

Absent—Excused

Weinert

House Bill 11 on Third Reading

Senator Phillips moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 11 be placed on its third reading and final passage.

Senator Martin raised the point of

order that the motion by Senator Phillips is out of order because the same motion to suspend the Constitutional 3-day Rule on H. B. 11 had been made and defeated on the same Legislative Day.

The Presiding Officer (Senator Hardeman in the Chair) over-ruled the point of order.

Question recurring on the motion to suspend the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days, the motion prevailed by the following vote:

Yeas—27

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Secrest
Kazen	Smith
Krueger	Wood
Lane	

Nays—2

Fly	Rogers
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Absent

Willis

Absent—Excused

Weinert

The Presiding Officer laid before the Senate on its third reading and final passage the following bill:

H. B. No. 11, A bill to be entitled "An Act defining and regulating the business of giving bail in criminal and quasi-criminal cases, providing for the licensing of persons, firms and corporations who engage in that business in any county having within its boundaries a city with a population of 350,000 inhabitants according to the last preceding Federal Census, providing certain penalties, and declaring an emergency."

The bill was then read third time and passed.

Conference Committee on
House Bill 433

The Presiding Officer announced

the appointment of the following as a Conference Committee on the part of the Senate on H. B. No. 433:

Senators Bracewell, Herring, Lane, Bradshaw, and Phillips.

Adjournment

On motion of Senator Martin the Senate at 5:35 o'clock p.m. adjourned until 10:30 o'clock a.m. on tomorrow.

SEVENTY-THIRD DAY

(Thursday, May 23, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	Wood

Absent—Excused

Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Aikin.

Message from the Governor

The following message received from the Governor was read and was filed with the Secretary of the Senate: